

BUILDERS OF MODERN INDIA

C. SANKARAN NAIR

K. P. S. MENON

PUBLICATIONS DIVISION

ABOUT THE SERIES

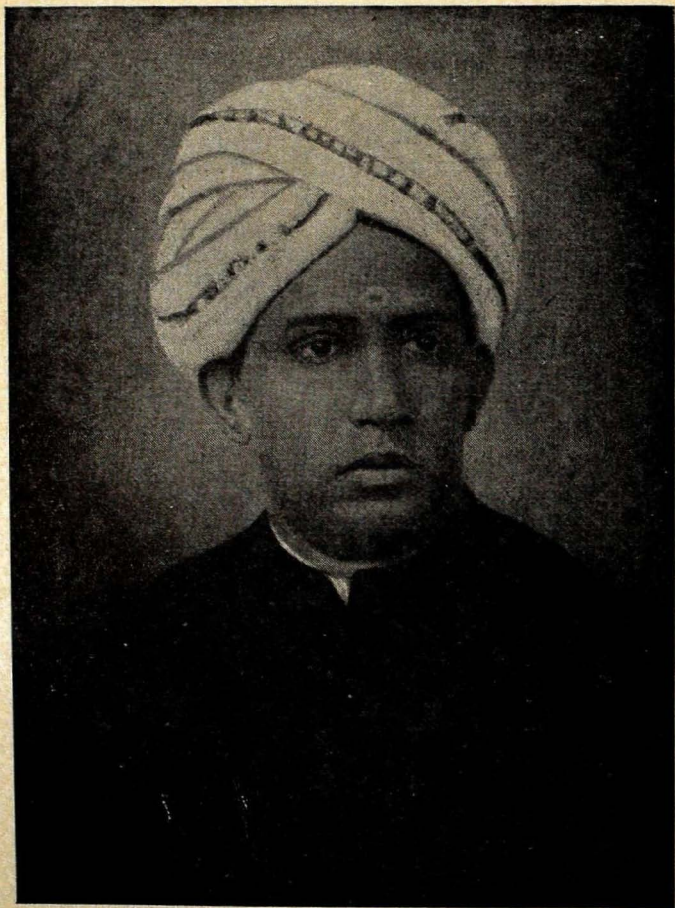
The object of the Series is the publication of biographies of those eminent sons and daughters of India who have been mainly instrumental in our national renaissance and the struggle for independence.

It is essential for the present and coming generations to know something about these great men and women. Except in a few cases, no authoritative biographies are available. The Series has been planned to remove this lacuna and comprises handy volumes containing simple and short biographies of our eminent leaders written by competent persons who know their subject well. The books in this Series are not intended either to be comprehensive studies or to replace more elaborate biographies.

Though desirable, it may not be possible to publish the biographies in chronological order. The work of writing these lives has to be entrusted to persons who are well equipped to do so and, therefore, for practical reasons, it is possible that there might be no historical sequence observed. It is hoped, however, that within a short period all eminent national personalities will figure in this Series.

Mr. R. R. Diwakar is the general editor of this Series.

A list of works already published and those which are in the press can be seen on the back cover.



C. SANKARAN NAIR

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MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA

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PREFACE

Lockhart, in writing the biography of his father-in-law, Sir Walter Scott, said, "He shall be his own biographer." To put small things with great, I have tried to follow the same principle in writing this book about my own father-in-law. Fortunately he had left copious biographical notes which Mr. K. P. Kesava Menon, the grand old Congressman of Kerala, was good enough to place at my disposal. These have since been published by his eldest daughter, Lady Madhavan Nair. I have also drawn on "A Short Life of Sir C. Sankaran Nair", written by her husband, the Rt. Hon. Sir C. Madhavan Nair, who, following his father-in-law's footsteps, became a judge of the Madras High Court and was the last Indian Member of the Judicial Committee of the Privy Council. But while to Madhavan Nair law proved to be the proverbially jealous mistress, to Sankaran Nair law was but a stepping-stone to his political career.

Though derived partly from family sources and written by a member of the family, this book is far from a family chronicle. I have not come across any one less family-minded than Sankaran Nair. To his children he was a god, aloof, remote, majestic, a model of all goodness and greatness. Inevitably he left an austere mark on his daughters which even their husbands have been unable to efface.

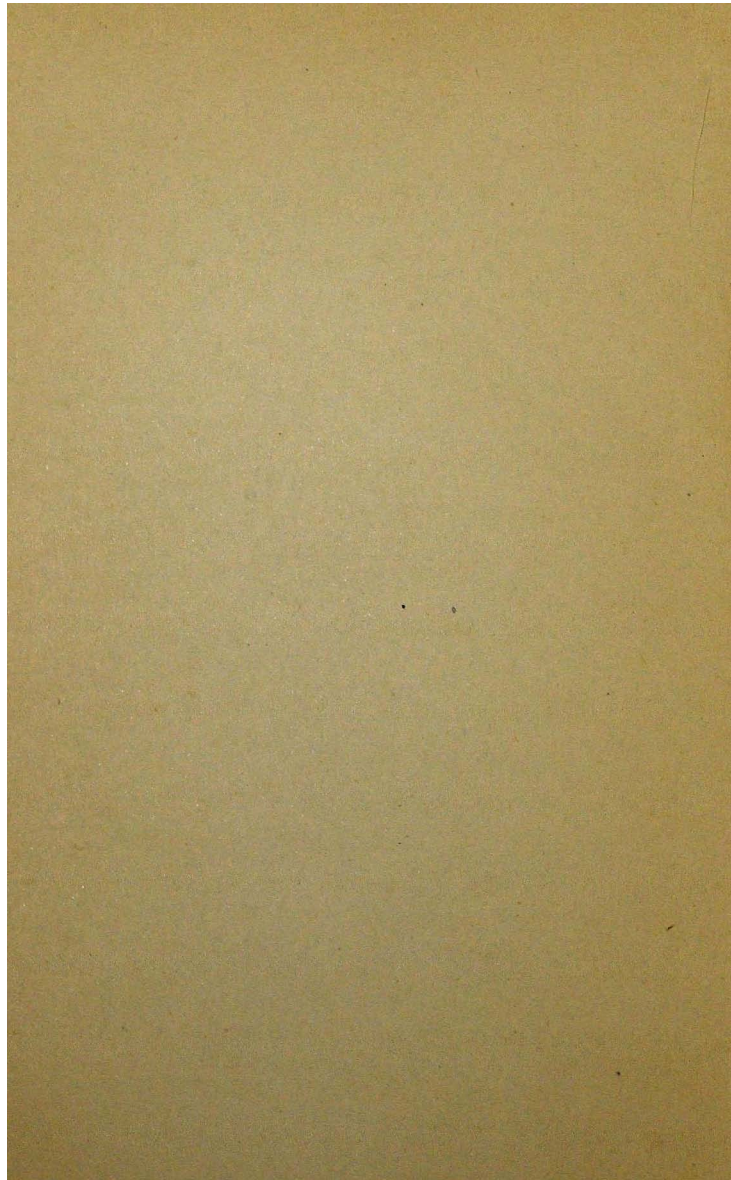
There are but few references in his memoirs to his adult personal life which was strictly subsidiary to his public life. He was a man of singular dedication and concentration. As lawyer and judge, politician and President of the Congress. Member of the Viceroy's Council and Member of the Secretary of State's Council, he bent all his thoughts and energies

on the emancipation of his country from the bondage of foreign domination and native custom. In this task, he achieved as much success as any man, wedded to constitutional methods, could have done in the face of a mighty empire and a deeply conservative society.

K. P. S. Menon

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CHAPTER I

EARLY YEARS

CHETTUR SANKARAN NAIR was born in a small village called Mankara in South Malabar on the 11th July 1857. It was the year of the 'Great Indian Mutiny'. "This circumstance", said the Vice-Chancellor of the Madras University, seventy-five years later, while conferring the honorary degree of L.L.D. on him, "affords to his friends a ready explanation of the mild rebelliousness which they delight to see in him occasionally." The Vice-Chancellor was indulging in an urbane understatement. Sankaran Nair's rebelliousness was neither mild nor occasional, as the Indian National Congress, no less than the Government of India, had good cause to realise. It was a constant feature of that spirit of sturdy independence which was the keynote of his character.

It is doubtful whether any echoes of the 'Great Indian Mutiny' penetrated to the peaceful village on the banks of the Bharatha river where Sankaran was born. Another event was still fresh in the minds of men, the invasion of Malabar by Tipu Sultan. A pitched battle was fought by Tipu in 1782 near "the ancient Chettur house" (as a well-known traveller, Buchanan, called it in 1800) where Sankaran was born. Later in the year, one Col. Humberstone, who was forced to retreat from Palghat in the face of Tipu's advancing army, retired to a fort in Mankara for two or three weeks and left it precipitately on receiving orders from headquarters to return to the coast. Before he left the place, the fort was demolished, and in its place there now stands a primary school started by Sankaran Nair.

The Chettur *tarawad* was one of the ninety-nine families.

dismissed for receiving those presents but the sword is still in Sankaran Nair's *tarawad*.

Sankaran was proud of the martial traditions of his family. His father's family belonged to the caste of Panikars who kept *kalaris* or gymnasiums for giving training in arms and athletics to the Nair youth of the village. It was somewhat like the jujitsu of Japan; it trained the eye and the hand (*kannu* and *kayyu*) to kill, to die, and to chase (*vettu*, *kettu* and *nayattu*). "Not for us, Nairs", Sankaran Nair once exclaimed, "to follow non-violence", a characteristic remark which showed at once the strength and the limitations of his nature. He would have sympathised with the remark of Mr. Khrushchev, who, in reply to a query from a Christian priest of leftist inclination in France as to why he did not accept Christianity, with which Communism had so much in common, replied, "I have no quarrel with Christ. He said many sensible things. Only, I draw the line when he asks me to turn the other cheek to my enemy. If someone were to smite me on my cheek, I would chop his head off."

Sankaran's early education, too, was such as to harden his character. He had to walk from Mankara to Angadipuram, a distance of ten miles, to attend a school which was started by his father when he was tehsildar. He carried his own tiffin with him, and when he came back he had to take a purificatory bath in the tank before eating anything at home. A favourite game at school was to draw a circle, 25 to 30 metres in diameter, and for an equal number of boys to stand inside and outside the circle. It was the business of those outside to drag those inside out of the circle. Those inside could not only resist being dragged out but could hit and kick the attacking party, who, however, could not retaliate but had to content themselves by trying to drag

them out. Then their turn would come and they would change places. A rough game, but it hardened the boys.

From Angadipuram, Sankaran went to Cannanore in North Malabar, to which place his father had been transferred. There he came under the influence of English teachers and, in particular, of one Cecil M. Barrow, the compiler of a book, once well-known, called "Barrow's Readings in Prose and Poetry". Sankaran always spoke of Barrow with great respect and affection. When reading *Ivanhoe*, he first came across the phrase, *nil desperandum*. He later used it in the concluding portion of his speech as President of the Indian National Congress. He said: "Years of subjection, nay, we may even say, servitude, have sapped the strength of the Indian nation, dwarfed its growth, and stripped it of all that was grand and noble in it; and if India is ever to occupy a better position than she fills at the present moment and take her proper place in the scale of nations it must be entirely due to the zealous efforts of her educated and enlightened sons. Let *nil desperandum* be our motto; let 'insidious smile or angry frown' not deter us from following the straight path of duty; and with the welfare and progress of our land as our end and aim, let us endeavour, under a solemn sense of responsibility, as well as loyalty to our country, to bring about that glorious future which must inevitably crown our efforts."

From Cannanore, Sankaran went with his father to Calicut and studied in a provincial school, where he obtained a first class in the F.A. Examination. On the walls of that school, now the Government Training College, his name can still be seen in gilt characters. The head of that school was a graduate from Glasgow, Colin Mac Isaac. Sankaran always had free access to his house and loved and revered him; and he was in correspondence with his widow, who lived in Edinburgh, for nearly half a century.

Having passed the F.A. Examination, Sankaran proceeded to do his B.A. in the Presidency College, Madras. There, too, he was impressed by his English professors. What struck him most in retrospect was the amount of freedom of expression which was allowed to the students in those days. Once, on the anniversary of the Declaration of Independence in America, Sankaran wrote, in the course of an essay, that if the British did not behave better in India, "Bombay would be turned into another Boston Harbour." The Principal, Edward Thompson, took it in good part. Sankaran Nair also remembered another Principal, Dr. Miller, the head of the Madras Christian College, telling him and some other boys that if Indians sought independence "it is not we, the descendants of Bruce and Wallace, who would regret that day."

One of Sankaran Nair's most gruesome memories of his days in Madras was the great famine of 1877. He was then living in Mylapore. "All round the tank in Mylapore", he wrote, "were men, women and children who had flocked to Madras from outside, dying and dead. All of them, men, women and children, were only skin and bones. It was a horrid sight to see. I often dreamt of it long after."

Twenty years later, another terrible famine visited India. That was the year when he was elected President of the Indian National Congress. "Famine at certain intervals", he said in the course of his presidential address, is becoming a normal condition of things in India. In 1877 and, again, this year, the loss of life has been terrible. Every succeeding famine finds the staying power of the masses, particularly in the ryotwari districts, reduced. Is this state of things to continue for ever?" "This state of things", he continued, "must be due to some defect in the system of administration which does not protect the fruits of industry but scares away

capital from the land. If the produce of the country is sufficient for the population and yet as a fact the foodstocks remaining in the country do not suffice for consumption, this state of things must be due to some enormous drain on the resources of the country." And he put forward as a partial solution, a permanent settlement of the Government revenue of the land instead of periodical, and ever increasing, assessment of land tax.

Sankaran took the B.A. degree with distinction, winning prizes in history and English essay, and joined the Law College. There, too, he distinguished himself: he stood first, getting the maximum marks in Hindu law and nearly the maximum in jurisprudence. Then he joined the bar.

While Sankaran Nair was a student in Madras, the Prince of Wales, later King Edward VII, visited the city and drove through Mount Road. The students had lined up on both sides of the road. The Prince was lustily cheered by the Anglo-Indian boys; the Hindu and Muslim boys, however, did not know how to cheer and showed their regard for the Prince by their respectful silence. Sankaran Nair remembered a curious incident which occurred during the Prince's visit. The Maharajas of Cochin and Travancore had gone to Madras to pay their respects to the Prince. So also the Zamorin of Calicut. The Zamorin and the Cochin Maharaja always passed each other on the beach without recognizing each other, as their ancestors had been bitter enemies and generally fought each other in the pre-British days. One day, the Travancore Maharaja, whose ancestor also had fought them but who was an enlightened man, laughed at them and told them: 'Here we are, come from our distant States to run like menials behind the carriage of a foreigner whose servants we are. What is the use, then, of assuming all these airs? Where is our dignity?'

This made them heartily ashamed of themselves, and they shook hands.

At that time, some officers of the ICS took a benevolent interest in Indian students and exchanged views freely with them. One such was Justice Holloway who had served in Malabar for many years and took a special interest in the boys from Kerala. Once he told Sankaran that the English were the only people in the world who had never been conquered. Sankaran denied it and said that that honour could be claimed only by his people, the Nairs. The only European race, the Portugese, who fought the Nairs, were vanquished by them; and the English never conquered them. On the contrary, according to Thiers, the French historian, no nation had suffered defeats like the English, as the Normans of a French duchy conquered and enslaved them and were never driven out. Holloway replied that Thiers was an ignorant person, as he failed to notice that both Normans and Saxons came from the same stock. "According to that", said Sankaran, "we are all descended from Adam and your argument loses all force." Holloway replied that Sankaran was conceited and impertinent.

Nevertheless, the old judge developed a warm regard and affection for the adventurous young man from Malabar seeking his fortune in Madras, which, in those days, was, to a Malayalee, almost a foreign land.

CHAPTER II

AT THE BAR

SANKARAN NAIR was enrolled as a High Court Vakil in Madras in March, 1880. He served his apprenticeship under Mr. (later Sir) Horatio Shepherd, later Advocate General and finally Judge of the High Court. Shepherd took not only a professional, but, like Holloway, a personal interest in the young man. Together the two would read the latest books which came from England. Sankaran Nair used to say how they read the whole of Kitchin's newly published 'History of France'.

At that time, the Madras Bar was dominated by European barristers, though men of the calibre of Subramania Iyer and Bhashyam Iyengar were beginning to forge their way to the front. This was viewed by the English barristers with strong jealousy. Indeed, a few years previously, the Indian vakils were not even allowed to practise in the Supreme Court. When the vakils pressed their claim, a barrister-judge, Bittleson, observed that he would not be a party to take the bread out of the mouth of a Christian and put it in the mouth of a pagan. But Holloway, an ICS judge, backed up Indians, who thenceforth, were allowed to practise on the original side of the High Court, corresponding to the former Supreme Court. Thereupon, the English barristers banded themselves together and refused to receive vakils in their chambers, and without undergoing that training they could not be enrolled. To counteract this move, the Chief Justice, Sir Cotley Scotland, passed orders waiving this condition. The barristers were so incensed at this decision that they boycotted the valedic-

tory address to Sir Cotley Scotland and walked out of the court in a body.

This attitude on the part of the European barristers was bitterly resented by the Indian vakils; and in retaliation they brought forward a resolution to the effect that no Indian lawyer should act as junior to an English barrister. This meant that no High Court vakil could engage an English barrister as his senior in any case, however much his client desired to do so. All the members of the Vakils' Association supported the resolution, with the sole exception of Sankaran Nair. He opposed it partly out of his loyalty to Shepherd, but chiefly on principle that nothing should be done to infringe the right of a lawyer to select a senior lawyer whom he and his client liked. The resolution was carried, Sankaran Nair alone dissenting. For a junior lawyer of only three or four years' standing to have pitted himself against the entire galaxy of his colleagues in Madras and incurred their displeasure was an example of that sturdy independence which always characterized Sankaran Nair.

Sankaran Nair's conduct on this occasion injured his practice for a time, but only for a time. At first his practice was confined to the cases from Malabar; gradually he acquired an all-Presidency reputation. He also became a public figure owing to his public activities, which are described in another chapter; and when, in 1897, at the age of forty, he was called upon to preside over the Indian National Congress, he became an all-India figure.

As an advocate* Sankaran Nair was most impressive, the more so because he did not take the slightest trouble to impress. 'His advocacy', wrote Lex in the Madras Weekly Notes, 1915, "was quite unique". Lex was none other than the famous British barrister, Eardley Norton. Norton's

*See also Chapter VI.

description of Sankaran Nair's style of advocacy is worth quoting in full, because in this case the style was truly the man: "There was absolutely no attempt, not even the least endeavour, on his part to play to the gallery or to create an impression on the clients. There was no identification of himself with the client or his cause, however big his client or however important or serious the case he pleaded. There was an air of absolute detachment about him when he argued his cases and, of course, this added greater strength to his utterances and carried greater conviction to the judges. It also enabled him to keep an unruffled temper, and to possess a calm and dignified reserve, when his adversary argued his case. The present fashion of interrupting the opponent—brought into existence, it is said, by some great lawyers and developed almost into a fine art by some of the advocates of today and of bandying words with him—was absolutely absent in Sankaran Nair's advocacy. It would be difficult indeed for a spectator to find out that Sankaran Nair was opposing a case, when his adversary was on his legs. He would sit without emotion, so patiently and silently for his turn, showing all regard and courtesy to his opponent. But old manners are now changed and alas! this virtue is considered by some 'legal luminaries' of today as a great defect unworthy of a truly great advocate.

"Sankaran Nair's style of advocacy also deserves more than a passing notice. It was remarkable and matchless for its clearness, cogency, lucidity and brevity; and in its manner also it was equally unrivalled. Unruffled and unostentatious, his words came out of his mouth in a stream of steady sequence with a sonorousness and dignity and vigour never matched, much less rivalled, in the annals of forensic oratory at the Madras Bar. He was and is no orator and did not attempt the high flights wherein one got oneself lost coming to the ground with a thud, exhausted

and confused and often completely shattered. His sentences were always correct, short and crisp, and the cumulative effect of these, coming one after another in quick succession, was really tremendous. He spoke always with deliberation, weighed his words before he uttered them and did not leave any sentence unfinished; and best of all, he knew when to stop.

“ ‘Be brief, be pointed, let your matter stand,
Lucid in order, solid and at hand
Spend with the mass of thoughts, not drops of sense,
Press to the close with vigour once begun
And leave—how hard the task—leave off when done.’ ”

“This was the advice which a great jurist and lawyer gave to his younger brethren at the Bar some years ago and it would seem that every word of the advice was in Sankaran Nair’s mind in every one of his forensic performances.”

Norton’s tribute is the more remarkable, because his own style was different from that of Sankaran Nair’s. As an advocate, Norton was eloquent, ebullient and scintillating, and often he could not resist the temptation to play to the gallery. In 1915, when I was a student in Madras, I went to the High Court to hear Norton arguing a case before Sankaran Nair. Norton was alternately serious, ironical, witty and savage and seemed to speak as much to the admiring audience as to the judge. When this brilliant display had gone on for some time, Sankaran Nair gently pulled him up saying, “We all know that you are the great Mr. Norton. Now, will you come to the point?”

CHAPTER III

PUBLIC ACTIVITIES

LAW is notoriously a jealous mistress, but it was not so in Sankaran Nair's case. While practising at the bar, he found time for various activities of public importance. He was an ardent social reformer and eventually became president of the Social Reform Association. For him political independence was not an end in itself, but a means to an end, social regeneration. He wrote leading articles for some Indian dailies, including the "Hindu", of which the first editor, G. Subramania Iyer, and his successor, Kasturiranga Iyengar, were close friends of his. Together with Salem Ramaswami Mudaliar, he started the Madras Law Journal, which even today is the leading law journal in the State.

Sankaran Nair was nominated Member of the Madras Legislative Council. He was also for many years a Fellow of the Madras University and a Member of the Syndicate. He was appointed to various Commissions such as those which inquired into the land tenancy system in Malabar, the management of Hindu temples etc. In these capacities he came to have a good knowledge of the working of the administration and an inkling into the mind of the Government of India, which he found at first strange, afterwards disturbing, and finally exasperating.

When Sankaran Nair joined the Legislative Council, it consisted of members of the Governor's Executive Council and a few others nominated by the Governor. No business could be transacted other than consideration of measures introduced into the Council by the Government. It was

only when any fresh legislation was required that the members had an opportunity of discussion. No member could ask questions, nor had he the right of interpellating the Government as to any of their acts or anything that might be of importance to the country.

In 1893, Lord Dufferin, the Viceroy, recommended that the elective principle be introduced into the Council. At first, Lord Salisbury, the Prime Minister, refused his consent. He pointed out that once the elective principle was introduced the demand for constitutional reform would be pressed at an accelerated pace which the British Government would be unable to resist. Subsequent events proved this prediction to be only too correct. However, a new Legislative Council came into existence including members nominated by certain representative bodies such as municipal councils and district boards.

An incident which occurred on the day on which Sankaran Nair attended the first meeting of the reformed Legislative Council on the 14th November, 1893 is worth recalling, not because of its intrinsic interest but because it shows the *hauteur* of government officials in those days and the contempt with which they treated non-officials. On that day one of the non-official members moved that a proviso be added to a section of a Bill to provide for the conduct of business by the Board of Revenue. The proviso was intended to preclude any member of the Board of Revenue from disposing of an appeal against an order which he himself might have passed as Collector. The discussion proceeded as follows :—

“The Hon’ble K. Kalyanasunderam Aiyar :—The first amendment I beg to propose is worded thus :—

“1. To add to section 2 another proviso as follows :—

“Provided also that in the case of any subject allowed to be dealt with by a single member of the Board, if the member before whom the said subject comes on for disposal happens

to have disposed of it before it came up to the Board, he shall not deal with it himself, but shall refer it to another member for disposal.

"The Hon'ble R. Ramasubbaiyar seconded the amendment.

"The Hon'ble Mr. J. H. Garstin :—I oppose this amendment to section 2 as entirely unnecessary. It is the invariable practice in the Board of Revenue that a member shall not dispose of any appeals against his own decision in another capacity. I think the addition proposed by the Hon'ble Member is nothing less than a severe reflection on the Members of the Board. I think we may leave the despatch of business in this respect with confidence to the Members of the Board.

"His Excellency the President :—It is a matter of regret to me that the Hon'ble member has thought it necessary to introduce such an amendment at all. As the Hon'ble Member in charge of the Bill said, it is a severe reflection upon those entrusted with authority in this country that it is thought that such an addition to the Bill should be required. I hope after what has passed the Hon'ble Member will see fit to withdraw his amendment.

"The Hon'ble K. Kalyanasunderam Aiyar :—I disclaim any intention of casting a reflection upon the Members of the Board of Revenue. I thought that was the practice; and if that was the practice I thought there was no objection to embodying it in the Bill. After the statement from the Hon'ble Mr. J. H. Garstin, I have no objection to withdraw it.

"The Hon'ble Mr. J. Grouse :—The Hon'ble Member might just as well propose that the Members of the Board should dress properly and behave as gentlemen as propose such an amendment!

"The proposed amendment was withdrawn."

At a subsequent meeting, on the 12th December, the Government had to eat humble pie and admit that appeals to the Board of Revenue had been disposed of by Members who had passed the original order.

"The Hon'ble Mr. P. Rangayya Nayadu :—Will the Government be pleased to state the number of appeals from the district of North Arcot disposed of under Act II of 1883 by the Revenue Board from January to June 1893 and how many

of them were disposed of by Mr. William Joseph LeFanu as Acting Member of the Board of Revenue ?

"The Hon'ble Mr. J. H. Garstin :—The number of appeals from the district of North Arcot disposed of by the Board of Revenue during the period referred to in the question was 56. Of these Mr. LeFanu, as one of the Land Revenue Commissioners, took part in the disposal of 50, out of which number he disposed alone of 40 appeals against his own decisions as Collector of North Arcot. The Government are much surprised and concerned that this should prove to be the case and will issue orders to have the appeals alluded to heard again.

"They are not aware whether the Hon'ble Mr. Kalyanasunderam Aiyar was in possession of this information at the last Council meeting when he moved an amendment to insert a clause into the Revenue Board Bill to prevent members of the Board from disposing of appeals against decisions passed by themselves as Collectors. If he was, it is to be regretted that he did not say so at that time. Had he done so, the Government would not have opposed his amendment.

"The Government will take steps to lay down a rule for the guidance of members of the Board which will have the effect of preventing any recurrence of such an incident."

Not only Madras, but all India was convulsed with merriment.

Sankaran Nair took a keen interest in the Village Cess Bill which was introduced in the Legislative Council. He opposed it strongly because he felt that its effect would be to destroy the old village system. Under our old system, the villages were little republics—they had their own officers who collected land revenue, their own police officials who, if they were unable to recover stolen property, had to make good to the owner the value of the property lost, and their own irrigation officials who looked after the distribution of water and the maintenance of irrigation canals. Vestiges of this system still remained. The bill before the Council was meant to destroy them once and for all and in effect to

make village officials petty government servants. Sankaran Nair's opposition to the bill was in vain. The Government made no concession in principle but accepted another member's suggestion to reduce the taxation by one-third.

"One cannot view without regret", wrote Sankaran Nair in his memoirs, "the disappearance of these village communities. It is doubtful whether it would be possible for a nationalist government to restore these village republics. But it is certain that an attempt will be made." (An attempt is now being made through the Community Projects and Panchayati Raj institutions launched by independent India. But the old village republics are gone, never to return.)

Another measure which Sankaran Nair opposed was the introduction of land revenue in Malabar. Elsewhere in India, the Government of India claimed to be the owners of land as successors to the former rulers of India. In Malabar, however, the former Rajas had never levied a regular land tax. They were entitled to demand military service from the proprietors of the land and, in the case of an invasion, levy a contribution up to 20 per cent of the produce of the land, but they had no power to collect land tax. This was admitted by Thackeray, an officer of the ICS, who was deputed to investigate this matter; and yet he recommended that the ryotwari system should be introduced. His reasons were frankly political, not to say imperialist. "The Ryotwari system", said Thackeray, "was perfectly adapted to the situation. It will be found still more adapted to the situation of the country, governed by a few strangers, where pride, high ideas, and ambitious thoughts must be stifled. It is very proper that in England a good share of the produce of the earth should be appropriated to support certain families in affluence, to produce senators, sages and heroes for the service and defence of the State, or, in other

words, that a great part of the rent should go to an opulent nobility and gentry, who are to serve their country in Parliament, in the army and navy, in the departments of science and liberal professions. The leisure, independence and high ideas, which the enjoyment of this rent affords, has enabled them to raise Britain to the pinnacle of glory. Long may they enjoy it ! But in India that haughty spirit, independence and deep thought which the possession of great wealth sometimes gives ought to be suppressed. They are directly adverse to our power and interest. The nature of things, the past experience of all Governments, renders it unnecessary to enlarge on this subject. We do not want Indian generals, statesmen and legislators; we want industrious husbandmen. If we wanted rank, restless and ambitious spirits, there are enough of them in Malabar to supply the whole Peninsula; but these people are at least an encumbrance, if nothing worse; they can never do good, and at all events, are consuming a good deal, without rendering any equivalent service to the public. We must therefore avoid the creation of more; though we submit to the necessity of supporting those who now are. Considered politically, therefore, the general distribution of land among a number of small proprietors, who cannot easily combine against government, is an object of importance."

Thus the ryotwari system was adopted by the British Government, the principle of which, said Sankaran Nair, was to leave the cultivator with just enough to live upon until he got the succeeding year's harvest. In order to meet the contention that there had been no land tax in Malabar under the former rulers, Government resorted to the sophistic argument that it was not to the native rulers but to their Muslim conquerors that the British Government succeeded in 1792, conveniently forgetting that these usurpers ruled for only a couple of decades.

Sankaran Nair's attempt to reform the matrilineal system in Malabar was equally unsuccessful. Before the advent of British rule the system had worked well. Nowhere else in India, or perhaps, the world, were women better off, because they were not tied to their menfolk and were economically independent. Under the British, however, the matrilineal system was undermined by the introduction of principles of law based on individualism and the sanctity of contracts. The result was that the position of women became precarious. Sankaran Nair, therefore, introduced a bill to legalise Nair marriages and to provide for the succession of the children to the father's property. The bill was referred to a Committee which unanimously supported it. The Committee found that "the present system huddled together as a family a number of distant relatives not necessarily drawn to each other by any bond of natural affection. It makes home life (in the best sense of the word) impossible; for the father is a casual visitor, and the mother and children are but units in a heterogeneous flock, dependent on a practically irresponsible guardian who, from the mere accident of his being the eldest of the flock, is expected to be able to regard every member with an impartial love, and to prefer their interests to those of the wife of his bosom and the children of his loins." Yet the bill was not passed in British Malabar because of the Government's opposition, whereas in the more enlightened states of Travancore and Cochin legislation was passed legalising Nair marriages and entitling the children to the father's property.

From the time of the Third Indian National Congress, which was held in Madras in 1887, Sankaran Nair took a leading part in the Social Reform Movement. The objectives were mainly to reduce the rigours of the caste system and to remove the disparities imposed on women by Hindu

law. Sankaran Nair became president of the Social Reform Movement in Madras and eventually presided at the All-India National Conference in 1908. Among those who were present at the Conference was Professor H. B. Lees Smith, who afterwards became a member of the Labour Government in Great Britain. He wrote to Sankaran Nair regarding his addresses at the Conference. "They were, without flattery", he said, "the most illuminating statements on the subject that I have ever heard. If you were to follow me when I return to England, you would find me reading extracts from them in many a lecture at many a public meeting."

In 1911 Sankaran Nair wrote two articles in the Contemporary Review, London, on 'Indian Law and English Legislation'. They created a sensation. Sankaran Nair pointed out, and deliberately exaggerated, the difference between the hackneyed ideas of Hindu law and the principles of Western civilisation. "In India the original law-givers were also religious teachers. They aimed at preparing their followers for a future, invisible world and endeavoured to draw the thoughts of men away from this world. They inculcated a spirit of submission; distress and misery as things transient and unavoidable. English law, on the contrary, concerned itself with the protection of person and property without giving undue regard to sentiment and the principle of honour. English law recognised the equality of all human beings in the eye of the law, while Hindu law, based on the immutability of caste, divided people into separate compartments. English law was individualistic, Indian law communalistic. Under English law, the English nation made astonishing progress; Hindu law and custom served a society which was stagnant and was already enslaved or on the way to slavery." Sankaran Nair then went on to enumerate the matters which needed urgent

attention. They were the removal of polygamy and infant marriage; the grant of equality for women; the abolition of the caste system; the introduction of a proper marriage law; free primary education for the lower classes and the spread of higher education in the interests of scientific knowledge and progress. Sankaran Nair thought that the Legislative Councils, lately introduced under the Morley-Minto Reforms, were ineffectual because most of the members were directly or indirectly nominated by the Government; and the British bureaucracy was incapable of fighting Indian orthodoxy. The result, said Sankaran Nair, was that the Indian public was even beginning to regard the Legislative Councils as a mockery and a sham.

Thus, Sankaran Nair's experience as a social reformer gradually led him to the conclusion that the British Government of India was a stumbling-block in the way of any real progress and that responsible government was the sole, sovereign remedy.

CHAPTER IV

IN GREAT BRITAIN

TO Sankaran Nair, as to almost all our early political leaders, England was the home of freedom. How could England champion freedom at home and deny it to other peoples? All that dependent peoples had to do was to assert their will, and demonstrate their capacity for independence; and the British Parliament would not only reconcile itself to the grant of freedom but take pride in it. If the conduct of the Government of India did not accord with the intentions of Britain, as expressed in the Proclamation of Queen Victoria in 1858, it was the local agents, and in particular the ICS, drunk with power, who were to blame. It was the duty of the Indians to open the eyes of the British Parliament to the disparity between Britain's word and action. The suspicion, which became almost a platitude among a later generation of Indian patriots, that Great Britain, far from being a champion of freedom, thrived on the exploitation of the peoples of Asia and Africa and would leave no stone unturned to prolong it, did not enter the minds of our early Congressmen.

A visit to Great Britain in 1893 confirmed Sankaran Nair in his predilections in favour of Britain. The object of his visit was to instruct counsel in an appeal before the Privy Council. His case was second on the list. When he appeared the first case was in progress. One Modi opened his case against an English Company and complained that the judge who tried the case was English, that the appellate judges were also English and that therefore the case had been unjustly decided against him. "You must not say that

kind of thing, Mr. Modi", said Lord Hobhouse, the presiding judge. Thereupon Lord Macnaughten, sitting at the other end of the table, went up to Lord Hobhouse and advised him not to make any such observations, lest the appellant should now complain that in the Privy Council the case was heard by six interested men, all English !

When Sankaran Nair arrived in England, a cab strike was on. Thousands of men were on strike. From the National Liberal Club, of which he became a member and remained so till the end of his life, he saw a procession of strikers marching along the Embankment to Hyde Park. In a moment of impulse Sankaran Nair too joined the crowd and marched with them to the Park. There he heard for the first time Dadabhai Naoroji, "the Grand Old Man of India". He also met John Burns, a radical member of Parliament, and heard him address a crowd. He got up on the platform and took off his hat. "Put it on, John", cried the people. "Yes", he replied, "in these days we all want to keep our heads cool."

On his return to India Sankaran Nair found that among the toddy tappers of Malabar there was serious discontent against the liquor policy of the Government. In the interests of revenue the people were deprived of the wholesome toddy from their own coconut trees and practically compelled to use the costly and unwholesome arrack from Ceylon. Sankaran Nair, therefore, organized a strike of toddy tappers who were mostly Thiyas, then regarded as untouchable. Some five thousand Thiyas took part in it. The strike, however, was put down, partly by the use of section 144, Criminal Procedure Code, under which all assemblies of more than five persons were prohibited, and partly by winning over the more educated Thiyas and giving them jobs.

A favourite topic of discussion in London at that time was the resignation of Gladstone from the office of Prime Minister. Towards Gladstone, Sankaran Nair cherished a feeling of admiration bordering on adoration, which was shared by most of his educated countrymen. They felt that as long as Gladstone was the head of the Government reaction would not be able to raise its head. Indians remembered with gratitude Gladstone's stand in his conversation with Prof. Dicey over Egypt. Dicey had justified the British conquest of Egypt on the ground that it was necessary in order to retain India. To this Gladstone replied that England was in India in accordance with the wishes of the people and that she would leave India when they no longer wanted her. Gladstone's references to the East in the course of his famous Midlothian campaign were full of sympathy. He condemned the Vernacular Press Act which curbed the freedom of the Indian Press. Indian students at Edinburgh enthusiastically worked for Gladstone during his election, and, small as their services were, they were handsomely acknowledged by him. And when he became Prime Minister in 1880, he sent a great Liberal, Lord Ripon, as Viceroy of India. How different, Sankaran Nair exclaimed to me in the course of a talk in 1933, was the conduct of Prime Minister Macdonald who sent as Viceroy "that old, henpecked crony, Lord Willingdon!" How different, too, was Macdonald's conduct of the Third Round Table Conference! If Gladstone had been Prime Minister, said Sankaran Nair, he would have personally championed the cause of Indian independence as he had championed Irish home rule and carried it to a successful conclusion.

Sankaran Nair recalled how a redoubtable patriot, G. Parameswaran Pillai, who had been deported from Travancore and made a name for himself in Madras, once requested Gladstone to take up the Indian cause even as he had

taken up the cause of Ireland. Gladstone replied that he was too old and feeble to do so, but he said : "There will always be a Party in England to support you." Macdonald, in his lust for remaining in power, nearly destroyed that Party.

Sankaran Nair has said in his memoirs that Labouchere, a member of Parliament, told him during his visit to England that Gladstone's resignation was the result of a conspiracy on the part of Asquith, Grey and Haldane. Gladstone himself once remarked that he had "not retired but was put out", because Asquith and others feared that if Gladstone remained as Prime Minister any longer he would be succeeded by Sir William Harcourt whom they did not like. They also resented Gladstone's proposal to cut down the military and naval estimates. In particular, they disliked his threat that he would lead a campaign against the House of Lords for having rejected the Irish Bill. And so they sent an ultimatum to Gladstone, of which Morley was the mouthpiece. A. G. Gardiner told Sankaran Nair that Morley once told him that two persons were responsible for Gladstone's debacle. "One of them was you", said A. G. Gardiner. "Yes", replied Morley nonchalantly.

Sankaran Nair felt that Morley's 'Life of Gladstone' did scant justice to him. Morley once described Gladstone's mind as "a busy mind of counterfeits." Morley, despite his long association with Gladstone, was incapable of appreciating him. His " 'Life of Gladstone,' " wrote Sankaran Nair, "may be a great work. But Gladstone's biography can be written only by one who, in addition to the qualifications possessed by Morley, is not only a deep student of financial problems but who can appreciate Gladstone's veneration for what is noble and great, is an intense lover of freedom, shares his deep sympathy with the under-dog, is deeply religious and is a student of theology and philosophy.

Gladstone surrendered the Ionian Islands not to modern Greece but to the Greece of Homer, Plato, Aeschylus and Sophocles, to the Greece where 'Burning Sapho loved and sang, where Delos rose and Phaebus sprung'. His letters from Naples on the tyranny of Bomba, his pamphlet on the Bulgarian atrocities, his campaign in favour of Balkan independence, his denunciation of the Armenian atrocities, and his final efforts for Irish Home Rule should be dealt with by a master of words who would transfer to his writings the glow and the holy fire of freedom which burns in every nerve and fibre of his own. A religious man would have scorned the imputation of any sordid motives to Gladstone. Not that religious men do not act from sordid motives, but religion in Gladstone kept him out of anything low or sordid. To me their charge is proof of their lower moral standard."

Sankaran Nair always set great store by moral standards, not merely in a man's public, but private, life. At that time, there was in Madras another Nair, Dr. T. M. Nair, who was destined to play a notable part in the political life of the Madras Presidency and was one of the founders of the Non-Brahmin Movement. Despite his brilliance and charm, Sankaran Nair kept him at arm's length because of a scandal associated with his private life. There was another brilliant administrator who had been the Dewan of Travancore and Member of the Governor's Executive Council in Madras. He rose high in the esteem of British officials, despite his loose morals, and was strongly recommended by successive Governors of Madras for Membership of the Viceroy's Council. Asked for his opinion, Sankaran Nair told Lord Hardinge, the Viceroy, that the man was "somewhat unscrupulous"; and that settled the matter. Sankaran Nair himself was a man of great moral grandeur. His thought, word and action ran on an absolutely straight line. In public as well as in private, he lived a life which was truly and literally *sans peur et sans reproche*.

CHAPTER V

CONGRESS PRESIDENT

THE invitation to Sankaran Nair, when he had just entered the fortieth year, to preside over the session of the Indian National Congress in 1897 was a surprise to his friends, and even more to himself. As could be seen from the summary of his public activities in Chapter III, his heart was in social reform rather than in political emancipation. Liberty in the abstract made no appeal to him. It was because of the Government's inveterate tendency to back vested interests and to baulk all social reform, which was the crying need of the country, that Sankaran Nair came to the conclusion that only an Indian Government, with a broad-based electorate, could effectively tackle the evils which had crept into Hindu society.

To begin with, Sankaran Nair, like most non-Brahmins in South India, took but a lukewarm interest in the sessions of the Indian National Congress. "Our position", he says in his memoirs, "was not very agreeable. On our journey to the north to attend the Congress meetings our Brahmin friends would often ostentatiously avoid our company when taking meals. This is done by Brahmins in the north only in the case of low castes. They would also tell us we were Sudras, which in North India meant a low caste. To us, who belonged to the old ruling race in this Province, this was repellent; and as we did not want to create a scene, we stayed away from the Congress. In 1897, however, I was specially chosen to preside and I felt it my duty to accept the unanimous choice."

If liberty was not a passion with Sankaran Nair, equality

certainly was. It was the denial of equality by high-caste Brahmins to the lower castes which caused him at first to look askance even at the Congress. And the denial of equality by a foreign race was even more galling. The British Parliament had repeatedly declared that all appointments in India would be open to all, irrespective of caste, creed or colour; yet all the higher appointments were still monopolised by Englishmen. They showed their racial arrogance in opposing the Ilbert Bill under which Indians belonging to the covenanted services would have been empowered to exercise jurisdiction over the European accused brought before them. Europeans protested vehemently against the Bill. They professed that the prestige of their race was in peril. They insulted Lord Ripon, the Viceroy, who had supported the Bill; all entertainments at Government House were boycotted by the entire European community; and an attempt was made even to kidnap the Viceroy and put him on an outgoing steamer. The Government of India kowtowed to this opposition and modified the Bill, and under the Act, as it emerged finally, the privileges of European British subjects were even extended and their exceptional position in the eye of the law was recognised.

The agitation against the Ilbert Bill produced a new line of cleavage in India. Hitherto, the ICS had generally supported the 'natives' vis-a-vis non-official Europeans, whether planters or merchants. But the Ilbert Bill drew all Europeans into the same camp and stirred up the factor of race animosity on both sides. Indians now began to regard all Europeans as inimical to their interests.

It was in this setting that the Indian National Congress was founded under the inspiration of A. O. Hume, an ICS man, who has been justly called the Father of the Congress, and Sir William Wedderburn, also ICS. The highest autho-

rities were at first inclined to regard the Congress with sympathy. In 1891, Lord Lansdowne, the Viceroy, declared that the Congress was a perfectly legitimate organization and that, "it represented in India what in Europe would be called the advanced Liberal party as distinct from the great body of Conservative opinion which exists side by side with it." But by 1897, the entire atmosphere had changed.

For this there were many reasons, such as the increasing partiality shown by the British administrators towards the Muslims as a counterpoise against the more educated Hindus; the prohibition of the playing of music, inspite of judicial pronouncements to the contrary, by Hindu processions while passing Muslim mosques; the deep-rooted resentment against British rule on the part of the Marathas with their glorious martial traditions; the outbreak of famine in the Bombay Presidency and the advent of Tilak who advised the people to refuse to pay land revenue if they could not afford it; the revival of orthodoxy, which was shown by the condemnation even by Bal Gangadhar Tilak of the proposal to fix an age of consent for marriages; the drastic measures taken by the authorities to suppress an outbreak of plague in Poona, regardless of the sentiments of the people and the privacy of women; the atrocities committed by the British tommies in this connection; the murder of Rand, the Plague Commissioner, and a British army officer on the day on which the Diamond Jubilee of Queen Victoria was celebrated; the consequent fury of Anglo-Indians against Indians and the corresponding reaction of Tilak who wrote an article justifying the killing of a Muslim commander by Sivaji and asserting that "no copper plate was given to *mlechas* to rule the country"—a statement which was taken by the Government to denote not merley Muslims but Christians, and for which Tilak was charged with sedition and tried and convicted by the High Court of Bombay, and

many others arrested and deported under the hackneyed Regulation III of 1818. The introduction to the Congress report of 1897 has graphically described the situation thus : "The year, 1897, was a year of calamities to the Indian people. Famine, pestilence, earthquake, floods, fire, war, political prosecutions, race feeling—all contributed to fill the cup of human misery to the brim. Even the proverbial oriental fatalism winced under the combined effect of these misfortunes and men asked each other what had this country done to deserve this heavy trial. The bubonic plague, the unfortunate Poona murders and the sudden recrudescence of distrust and race animosities, which followed from them, caused infinitely greater trouble and proved a source of infinitely greater anxiety than anything else. The dislike of the reform movement represented by the Congress assumed from the time of the Poona occurrences a violent form."

To us of the present generation, some parts of Sankaran Nair's presidential address make strange reading. He begins with a fulsome homage to Queen Victoria on her Diamond Jubilee. But this was part of the mystique surrounding the Queen which lingered in England, until Lytton Strachey dissipated it once and for all. It was also a part of the mystique in which imperialism was clothed and which, it was hoped, might make it palatable to the Queen's subjects. The tributes to her were also a part of another mystique, the mystique of the Congress which hoped that indulging in it the Congress would be less obnoxious to the rulers. Why, as late as 1915, I recall how, at the session of the Indian National Congress in Madras, which I attended as a student, the entire audience sprang to their feet and clapped hands when Lord Pentland, the Governor of Madras, entered the pandal, and how the speaker who had

been holding forth on the need for the repeal of the Arms Act was interrupted, and how Surendranath Banerjee, the arch orator of the Congress, was called upon to move a resolution affirming loyalty to the King Emperor.

There is reason to think that Sankaran Nair's extravagant praise of the Empress was designed to emphasise the contrast between her legendary goodness and the callous conduct of her officials in India. On this point, Sankaran Nair did not mince words. He spoke of the terrible famine of 1897 and other similar famines of which the root cause, he said, was the poverty of India. "Government", he said, "is morally responsible for the extreme poverty of the masses, for the scarcity which prevails almost every year in some part of the country or other, for the famine that frequently desolated the land and claimed more victims and created more distress than under any civilised Government anywhere else in the world."

Sankaran Nair's criticism of the military expenditure of Government was equally scathing. In words which Jawaharlal Nehru might have used, he said "Our true policy is a peaceful policy. We have little if anything to expect from conquests. With such capacity for internal development as our country possesses, with such crying need to carry out the reforms absolutely necessary for our well-being, we want a period of prolonged peace. We have no complaint against our neighbours, either on our north-west or our north-east frontier. If ever our country is involved in war, it will be due to the policy of aggrandizement of the English Government at London or Calcutta." "An army is maintained at our cost", Sankaran Nair went on, "far in excess of what it should be. The military element is supreme in the Viceroy's Council. For interests other than Indian, countries are invaded and all the horrors of war let loose at the expense.

of the Indian taxpayer. As England directs our foreign policy and as wars are undertaken to maintain English rule, the English treasury ought to pay the entire cost, claiming contribution from India only to the extent of India's interest in the struggle."

Sankaran Nair also condemned the idea that the English were a superior race, holding India by the sword and that Indians were, as a rule, not worthy of trust and confidence. "To us this idea is hateful and therefore we insist upon equality before the law and Government." On the same ground, he said, "We press for admission of Indians into the Public Service on an equal footing with Europeans. Apart from economic necessity, the stability and permanence of British connection require that not only no positive disqualification should exist but that the rules intended to make the Declaration of 1833 and the Queen's promise of 1858 a dead letter must be removed. For the Civil Service, the Police, the Forest Service, the Salt Services and even the Educational Services, rules are framed apparently on the assumption that a European is, by mere reason of his nationality, fit, and an Indian, for the same reason, is unfit for the higher appointments in those services." "Such doings", he said, "accentuated race prejudice in a most invidious form, relegated Indians to the position of an inferior race and silently ensured the emasculation of our manhood."

On the manner in which the anti-plague measures were carried out, Sankaran Nair spoke with the utmost candour. "Women were insulted, places of worship were desecrated, and the general result was oppression of the people." He quoted a Bombay newspaper which wrote: "Plague is more merciful to us than its human prototypes, now reigning in the city." He scoffed at the idea that there was a conspiracy behind the murder of Rand, the Plague Commissioner. He condemned the arrest of the Natu brothers,

who had raised their voice against the plague operations as a "savage act, recalling the worst days of irresponsible despotism." He also criticised the conviction of Tilak by a jury of six Europeans and three Indians, in which the six Europeans predictably found him guilty and the three Indians not guilty.

Whatever Government might do to hamper liberty and however much it might invoke antiquated regulations to curb freedom and stiffen the law of sedition, said Sankaran Nair, "the stream of our national consciousness will nevertheless move on. It will become dry only when our holy rivers of India become dry."

Sankaran Nair's Presidential Address was described by Surendranath Banerjee in his book "A Nation in the Making" as "a strong and masculine utterance worthy of the man and suited to the times, when the forces of reaction were strongly in evidence. 'It is impossible to argue a man into slavery in the English language', said he, and his was a vigorous plea for free institutions as a cure for degradation and misery, and racial and credal conflicts."

CHAPTER VI

PUBLIC PROSECUTOR AND ADVOCATE GENERAL

IN 1899, Sankaran Nair was appointed Government pleader and public prosecutor, a coveted post which had previously been invariably held by European barristers and was only once held by an Indian, Sir Subramania Iyer. He officiated as a Judge of the High Court in 1904 and again on two occasions in 1905 and was appointed Advocate General in 1907, the first Indian to have been appointed to that post permanently. At the end of that year he was appointed a permanent Judge of the High Court of Madras.

As Government pleader and public prosecutor Sankaran Nair earned the reputation of being scrupulously fair. One of the famous cases which he handled was known as the Sivakasi Riots Case in which no less than 958 persons were arrested, and a number of sub-magistrates and three additional Sessions Judges were appointed to try the offenders. Sankaran Nair told me of an incident which occurred in that connection. On the day before the riots, a deputation of citizens waited on Scott, the Sub-Collector, and told him that they were fearing an invasion of Maravars, then classified as a criminal tribe, the next day. Scott treated the deputation with scant courtesy and asked them to go to hell. The riots took place the next day and there were enormous casualties. When Sankaran Nair questioned Scott about it, he replied : "Between you and me, I did not believe their apprehensions, because my Indian assistant, Raghaviah, had assured me that there would be no riots. But I shall not give him away. It was my responsibility, and I will not

shift it to the shoulders of anyone else." The result was that Scott was punished, but Raghaviah rose high on the official ladder. When Sankaran Nair mentioned this incident with genuine appreciation of Scott's attitude to a high British officer some years later, when India was already getting a measure of responsible Government, he exclaimed, "That was in the old days. Now we are no longer responsible. Now we are servants and not masters. We shall not accept vicarious responsibility any longer."

The attack of the Maravars took place in broad daylight and continued for many days. The local authorities were unable to check it. Sankaran Nair went to the spot to decide how the case was to be prosecuted. He found that the police had intended to prosecute not only those who were engaged in the attack but all the Maravar chiefs like the Raja of Ramnad and others, because they were sure that without the connivance and assistance of their chiefs the Maravars would not have ventured upon open attack. He also found that the evidence which the police had procured against the Maravar chiefs was mostly fabricated. He, therefore, refused to prosecute them. Sankaran Nair also found that a number of culprits had taken care to create evidence of alibi by bribing the district officials who recorded their presence before them on the day in question and that the police substituted the brothers or fathers of the real culprits in their place. Sankaran Nair withdrew the charges against them also.

About three hundred of the rioters were convicted. Some months later, Moberley, the Sessions Judge who held the trial, told Sankaran Nair that one of the men from a respectable family who had been hanged was innocent. He also had alibi evidence to show that he had presented himself before an official at a distant place on the eventful day, but at the last moment that official failed him and he was

convicted and hanged. Moberley told Sankaran Nair that the man became a Christian at the foot of the gallows and made his wife and children also converts, declaring that a Brahmin—the official who failed him was a Brahmin—should never be trusted. As a penance, that official began to read a chapter of the Ramayana every day. But that did not save him, and he went off his head.

In the Sivakasi Riots Case Sankaran Nair received a very large fee. When Lady Sankaran Nair heard that her husband was in a way responsible for the death of an innocent man she became very uncomfortable and suggested that the amount which he had received by way of fee in this case should be given away in charity. She grew restless and sleepless. The amount had been deposited in the Arbuthnot Bank. The firm failed; and Lady Sankaran Nair felt happy that she had lost the ill-earned money. Eventually, Sankaran Nair received a small portion of the amount which had been deposited in the Bank. This was invested in certain national concerns like the Tatas which were then not prospering. When the war came in 1914, however, the shares shot up in value, and Sankaran Nair got back almost the entire sum which he had deposited in Arbuthnot & Co. Lady Sankaran Nair saw in this an indication of the divine will that she could safely keep the amount.

Sankaran Nair had a lofty idea of the legal profession. In India, however, he felt that many demoralising practices had crept into it. The barrister's profession in England was not quite so demoralising because the barristers did not come into direct contact with the clients. In India, on the contrary, the barrister or lawyer had to see the clients and coach them, sometimes against his conscience. Not only had the legal profession become, he once said in a pessimistic mood, demoralising but dehumanising. Sometimes, as public prosecutor, he had to prosecute cases which were

not to his liking. "The haunted looks", he said, "of the relations of the accused, may be a mother or a sister, who used to stand near the dock, often went to my heart."

As Advocate General Sankaran Nair always gave his opinion without fear or favour. Sometimes when the Government insisted on proceeding with a case in disregard of his opinion, he told them that they were free to do so, but at the last stage of the case he would consider himself free to exercise the privilege of the Advocate General to enter "*nolle prosequi*". It was well known that his firm attitude often saved important persons from prosecution for sedition. Among them was G. Subramania Iyer, founder of the Hindu, whom he has described in his memoirs as "one of the noblest and ablest of my friends." On more than one occasion he told the Government that his articles in the Hindu were technically seditious, but that it would be unwise to prosecute him for sedition, even though he might be found guilty under the Penal Code. Similarly, he persuaded the Government on two or three occasions not to take steps against Subramania Iyer's successor, Kasturiranga Iyengar, who too was a close friend of his. All this made him suspect in the eyes of the police; and his house began to be watched by police officers in mufti in order to see who went in or came out.

In the eyes of the police, Sankaran Nair continued to be suspect even after he became a member of the Viceroy's Executive Council in 1915. Once he wrote to Bhupendra-nath Basu, a good friend of his who, too, had been President of the Indian National Congress, to send him those delicious Bengalee sweets, rasagullas, for the usual annual dinner which Members of the Council gave to the Viceroy. Basu intimated the despatch of the sweets in a telegram, "Bengalee sweets for Viceroy sent." In those days, 'Bengalee sweets' was an euphemism which terrorists used

for bombs. The telegram fell into the hands of the police; and it was only after the dinner to the Viceroy was safely over that the sweets were handed over to Sankaran Nair !

CHAPTER VII

HIGH COURT JUDGE

IT has already been mentioned that Sankaran Nair had to officiate three times as Judge of the High Court before he was made a permanent Judge. The reason was that because of his liberal and, for those days, radical, views, he became suspect in the eyes of the British officials and non-officials, and they strongly opposed his appointment. In 1906 he published an article called "A Native Council for India" in the *Contemporary Review*, London. It was essentially a plea for social legislation. He advocated the establishment of a Council of Indians consisting of eminent social reformers in order to pass social legislation, because the Government was unable to put through any effective social reforms on account of their policy of non-interference in social and religious matters. "The proclaimed neutrality of the Government in matters religious had led them to withdraw all interference with temples and mutts (associations of ascetics) and has produced a state of affairs which is a perfect disgrace to any civilized government and for which the Government alone seems to be responsible."

British judges, he pointed out, were not particularly competent to administer Hindu law, as admitted by one of the best authorities on the subject who said: "The consequence was a state of arrested progress, in which no voices were heard unless they came from the tomb. It was as if a German were to administer English Law from the resources of a library furnished with Fleta, Glanville and Bracton and terminating with Lord Coke." And Sankaran Nair added: "It would be nearer the truth to read 'Turk' or 'Chinaman' for 'German' in this oft-quoted passage."

This comment was regarded as highly obnoxious by Europeans and Anglo-Indians. What!, they asked, does Sankaran Nair take us to be Turks and Chinamen? They contended that a person who used such language was not fit to be a judge of the High Court.

Shortly after Sankaran Nair wrote this article, an Englishman was charged with the murder of a washerman whom he had killed in a huff because he insisted on his wages being paid. Sankaran Nair had come across a similar case in Travancore, where an Englishman had killed a coolie, and he was acquitted by the Madras High Court after a trial by Justice Boddam, who showed his bias in a very marked manner. After the trial, in the washerman's case, an application came from Government before the High Court for sanction to prosecute the witnesses who had given evidence in this case. This application came before Sankaran Nair and Subramania Iyer. They looked into the evidence and expressed the opinion that the accused in the case should not have been acquitted and accordingly refused the application to prosecute the witnesses. Englishmen regarded this judgment as an affront to them.

Such incidents were remembered against Sankaran Nair when a permanent vacancy arose in the High Court in 1905 and he was passed over. His supersession was strongly resented by Indian public opinion. When the next opportunity came, however, Lord Morley, Secretary of State, appointed him a permanent High Court Judge. Lord Morley was supported by Lord Carmichael, a liberal-minded Governor of Madras and later of Bengal, whom a revolutionary tract in Bengal described as "that Scottish enchanter who is gilding with his subtle alchemy the chains by which England is holding India."

Among the congratulatory letters which Sankaran Nair received on his elevation to the Bench, there was one which

he specially cherished. It was from Dewan Bahadur L. D. Swamikannu Pillai, a distinguished scholar and administrator, who afterwards became President of the Madras Legislative Council. "I write a line to tell you", he said, "how glad and happy I felt at your long-deserved and long-expected elevation to the Bench of the Madras High Court. In your hands the rod of justice will never be other than straight, her scales will never be other than equipoised, and, rarest merit of all perhaps, one may safely predict of you that whatever you say, or do will be marked by that unflinching singleness of purpose and that unerring certainty of aim which have always been your distinguishing traits. Long may the annals of justice in this Presidency record your judgements, and may their echoes resound in the ears of future and distant generations !"

Only three Indians had been Judges of the High Court of Madras before, namely Muthuswami Iyer, Subramania Iyer and Bashyam Iyengar. Sankaran Nair has mentioned in his memoirs an interesting incident connected with the proposal to erect a statue for Muthuswami Iyer after his death. One Bliss, a member of the Government, objected to it on the ground that as Justice Holloway, in his opinion the greatest Judge of Madras, did not get a statue it was not right that Muthuswamy Iyer should have one. At a public memorial meeting, which was presided over by Lord Wenlock, the Governor, a resolution was moved to the effect that the nature of the memorial to be erected should be left open. G. Parameswaran Pillai, the stalwart editor of the "Standard", moved an amendment insisting that the memorial should be a statue. Powell, the Government pleader, whose father was a great friend of Muthuswamy Iyer, seconded the amendment, which was unanimously carried. Bliss left the hall in protest. He then threatened that he would not allow the statue to be placed in the High Court

building. The Chief Justice dared him to do so as he was the custodian of the building. The amount necessary for the memorial was soon subscribed, and the statue, made in London under the superintendence of Sir Philip Hutchins, then a member of the Secretary of State's Council and an old friend of Muthuswamy Iyer, was put up in the High Court.

Sankaran Nair was most jealous of the independence of the judiciary *versus* the executive. He kept aloof from government even in the social sphere. In his memoirs, he has mentioned a conversation between himself, Sir Arnold White, the newly appointed Chief Justice of the Madras High Court, and Hannay, the Registrar of the High Court, who belonged to the ICS. Sankaran Nair told Sir Arnold that Sir Arthur Collins, his predecessor, had told him that in India, if the judiciary was to retain the confidence of the people, it should keep away from the executive. Hannay burst out saying that Sir Arthur was absolutely wrong. He said that the judiciary must work harmoniously with the executive and at the same time retain its independence.

When Sankaran Nair was appointed Member of the Viceroy's Council, the Bar held a dinner in his honour. Among the invitees was Sir Leslie Miller, formerly a Judge of the Madras High Court and then Chief Justice of the Mysore High Court. He made a strong speech on the relations between the executive and the judiciary, which was taken by many as a covert attack on Sankaran Nair for his attitude towards the executive and his general social aloofness. Sankaran Nair, however, was only following the example set by some great British judges themselves. The first and greatest Chief Justice of the Madras High Court always kept away from Government House and declined every invitation from the Governor which was not clearly official. Even Alying, an ICS judge, refused to attend func-

tions in Government House when any matter concerning the executive was before the High Court. And Sir Barnes Peacock, a great Chief Justice of the Calcutta High Court, refused to join the European Club in order to avoid any embarrassment which might result from his social connections in the discharge of his duties. These judges felt that it would not do for a judge to appear to be on dining and wining terms with anyone who might become a party to the case.

A judge is expected to be free from all bias. This is specially difficult when religion is involved. This is true not merely of Hindus and Muslims, but equally and perhaps even more of different denominations of the same religion such as Protestants and Catholics. When Sankaran Nair was in the High Court, there was an unholy dispute over the election of a priest in a church at Royapuram. The parish had elected a priest, but the Pope, who, under the *Concordat* between him and the Jesuits, had the right to nominate the priest, refused to appoint him. The Church petitioned that the case should not be heard by Justice Wallis because he was a Roman Catholic, and actually asked that it should be heard by Justice Sankaran Nair. He heard the case and decided that the Church should be closed until the Pope and the parish came to an agreement.

The European planters in and around the Nilgiris used to take out warrants against the coolies who had bolted from the estates and hang them over their heads without executing them. Once Sankaran Nair called for an explanation from the District Magistrate for the unusually large number of warrants pending. His explanation was unconvincing and Sankaran Nair ordered all the two thousand warrants to be cancelled. Thereafter, supervision over the Nilgiris District was never entrusted to him!

How difficult it was for an Indian judge to maintain his

independence vis-a-vis his European colleagues was shown by the treatment of Justice Mahmood of the Allahabad High Court. He was a man of strong independence and was compelled to retire prematurely. He was the son of Sir Sayyid Ahmed Khan, the founder of the Aligarh Muslim University and a pet of the British Government, at whose behest he organised and led the Muslim opposition to the Congress. The treatment accorded to his son opened his eyes. He wrote in the Aligarh Gazette thus :

"In my opinion the time has not come yet, and perhaps will never come, when our European friends, conquerors of this country and naturally full of pride of their conquest, will condescend to sit on the same bench with a conquered and naturally hated Indian, who is desirous of performing his duties with equal honour and respect requisite to his high position. If the Indian wants to keep his self-respect as an honest and well-bred gentleman, his life becomes unbearable. On the contrary, if he yields to his European colleague (who, on account of his being a member of the conquering race, regards himself as an altogether superior person), or if he acts on certain directions, he can be happy. But if an Indian desires to obey the dictates of his conscience, and if there is even a little blood of his ancestors in his veins, then he cannot perform his duties. It is no secret that the treatment which English people accord to their own countrymen and that which they accord to the Indians are as different from one another as black is from white. People might brag and contend that it is otherwise, but the wise alone know the whole truth of the matter."

In the administration of the High Court, Sankaran Nair resented any interference on the part of the ICS. Before his time, candidates for appointment as munsiffs were selected by the senior ICS judge. Sankaran Nair insisted that

these appointments should be made by the entire High Court sitting as a body and not by a particular judge. The ICS opposed it, as it meant a diminution of the prestige of the senior ICS judge. Sankaran Nair clinched the matter by saying that he would not consider a judgment written by a munsiff, who was not appointed by all the judges of the High Court sitting as a body, as a proper judgment and would refuse to look into it. Eventually his contention was accepted by the other judges.

It used to be the custom for a new judge of the High Court to call on his senior colleagues. The European Judges seldom complied with this custom in respect of their Indian colleagues. On one occasion, when a new Judge from England came to take charge, the Chief Justice, with whom Sir Sankaran Nair was sitting, sent round the Registrar to request all the judges to come to his room to be introduced to the new-comer, so that there would be no further need for him to call on the Indian colleagues. Before the judges came, as soon as his work with the Chief Justice was over, Sankaran Nair went back to his own room, as if nothing special had happened. And that was the end of the new Judge's introduction to Sankaran Nair. The story soon circulated in the corridors of the Court and people talked about it as another example of Sankaran Nair's independence.

There have been many other judges who have upheld the independence of the judiciary. Not all, however, can be called builders of India. The remarkable thing about Sankaran Nair was that even as a judge he held before himself the vision of a secular India, which he thus described in his Presidential address at the Amaravati Congress :—"To break down the isolation of the Hindu religion, to remove the barriers which now prevent free social intercourse and unity

of action, to extend the blessings of education to the lower classes, to improve the position of women to one of equality to men, we require the continuance of a strictly secular government in thorough sympathy with liberal thoughts and progress." Within the four corners of the law, Sankaran Nair did whatever he could do as a judge to further these purposes.

It has already been said that the matrilineal system in Malabar had sunk into decay and caused considerable hardships to the members of the family. As a result of certain judgments, pronounced by Sankaran Nair, differing from the decisions which had held ground previously, the despotic power of the maternal uncle, the head of the family, was reduced; and the position of the members, and particularly of the female members, was ameliorated.

In the administration of the Hindu law, British judges used to enforce the caste rules in all their rigidity, without regard to the qualifications and usages which had made these rules elastic in the palmy days of Hinduism. One of his judgments attracted particular attention. In *'Muthusamy versus Masilamony'* he held, together with Justice Abdur Rahim, that marriages between the different castes of Sudras were permissible. An even greater sensation was produced when he upheld a marriage between a Hindu and a Christian which had been accepted by the Hindu community. As Alladi Krishnaswami Iyer, the Advocate General of Madras, said in the course of his obituary speech on Sankaran Nair on the 26th April, 1934, "Sankaran Nair always thought in terms of society. He was not wedded to the law in the manner in which some of us are wedded, burying ourselves in law books without thinking of the society of which we are members."

CHAPTER VIII

SANKARAN NAIR AND THE WAR

IN the middle of 1915 Sankaran Nair was appointed Member of the Viceroy's Executive Council. The admission of an Indian to that holy of holies was regarded as a bold and liberal step; it was a consequence of the Minto-Morley Reforms promulgated in 1906. The first Indian to have been appointed was Sir S. P. Sinha and the second Sir Ali Imam. Sir Sankaran Nair was the third.

A small incident which occurred after he was nominated to the Council and before he took over showed his spirit of self-respect. On the first anniversary of the First World War, Sankaran Nair was to have been the principal speaker at a public meeting presided over by Lord Pentland, the Governor of Madras. When he arrived at the Senate House, where the meeting was to be held, an Anglo-Indian police sergeant asked him to show his admission card. Sankaran Nair said that none had been sent to him, but that he was to be the principal speaker at the meeting. "I do not care," said the sergeant, "my orders are that no one should be admitted without a card." Thereupon Sankaran Nair got into his car, went back to his house and started having an oil bath. When Lord Pentland arrived for the meeting, he knew what had transpired and sent his A.D.C. posthaste to Egmore to offer his regrets to Sankaran Nair and ask him to come to the meeting. Sankaran Nair said that he could not go; he had just started an oil bath which would take half an hour and he thought it would not be fair to keep His Excellency waiting. And so Hamlet was staged without the Prince of Denmark! The Indian newspapers took

up the incident and played it up as another example of racial discrimination, for Englishmen were seen going into the hall without being called upon to produce their cards.

Sankaran Nair would not brook any affront to his dignity from any quarter, however exalted, Indian or English. Soon after he became Member of the Viceroy's Council, he was invited by the Maharaja of Mysore to the Dassera Durbar, one of the most glittering events in Princely India. Sankaran Nair accepted the invitation. He was accorded every courtesy and the Yuvaraja himself was in attendance on him. On the evening before the Durbar Sir Visweswariah, the Dewan, called on him and gave him a gold mohur to be presented by him to the Maharaja. He said it was the custom for all invitees to make a present to the Maharaja at the Durbar. "All invitees?", asked Sankaran Nair. "Yes", said Visweswariah. "Englishmen too?" asked Sankaran Nair. "No", said the Dewan, "they are exempt from paying *Nazar*". "Then I cannot present it either", said Sankaran Nair, "I rank higher in precedence than any English guest at the Durbar; and what would they think if I were to pay homage to the Maharaja? After all I am not his subject." Sankaran Nair got into his car and returned to Ootacamund, where he had been staying, without attending the Durbar.

Sankaran Nair entered the Viceroy's Executive Council with grave forebodings, because in various ways he had succeeded in annoying the European community, and particularly the ICS, which was firmly entrenched in the Central Government. These forebodings were shared by his friends. Motilal Ghosh, the great editor of *Amrita Bazar Patrika*, wrote to him thus: "There is no good hiding the fact that you enter into your new office under certain unfavourable circumstances. You are not *persona grata* with the Government; so you will have to elbow out your way single-handed,

unhelped, unsupported by any of your official colleagues. It is Sir Reginald Craddock who now runs the Government of India. He is a civilian of civilians and his honest conviction is that the best way of governing India is by the constant application of the whip on her back. You have thus an uphill and formidable work before you."

The English commercial paper of Calcutta, 'Capital', also expressed misgivings from a different point of view. "As Nair is a man of courage and ability," it said, "his fate may turn out sad if we get a Tory Viceroy." A correct prophecy, for a Tory Viceroy, Lord Chelmsford, came to India when Sankaran Nair was barely six months in the Executive Council and his relations with him were strained from the outset and culminated in his resignation.

Sankaran Nair took over as Member for Education, Health and Lands in the autumn of 1915. In Simla he resided in 'Inverram', a lovely house on a hill-top, not far from Viceregal Lodge. Simla had not changed much from the days of Kipling who has described its gaieties at the turn of the century in his 'Departmental Ditties'. There harassed officials from the plains combined business with pleasure and their *memsahibs*, not having business, gave themselves to pleasure. Sankaran Nair kept himself sedulously out of the whirling social life of Simla and was called by Englishmen 'the old bear on the hill'.

In the winter, Sankaran Nair lived in a house on the shady Alipore Road in what is now known as Old Delhi. New Delhi had not come into existence, though the capital had been moved from Calcutta to Delhi. At that time, New Delhi consisted simply of two tracks, peg-marked to be known as Kingsway and Queensway. No one suspected that within forty years Kingsway and Queensway would be changed to Rajpath and Janpath, King Edward Road

to Maulana Azad Road, and Queen Victoria Road to Rajendra Prasad Road. Even a suggestion to that effect would have been an affront to their Imperial Majesties.

On his entry into his house, he found two tents with police constables in them. He could not understand why they were stationed there, because he did not apprehend any danger from anyone. He was told that a bomb had been thrown into the garden of one of the Members of the Council and that since that day a police guard had been deputed to stay in the house of all the Members. Sankaran Nair requested the Police Superintendent in vain to remove the police from his house. One day, one of the policemen was caught stealing something from the room of his children's Sanskrit teacher. Thereupon he ordered all the policemen to clear out. When the matter was reported to the Superintendent of Police he coolly said that the policemen were there to protect Sankaran Nair's person and not to look after his property!

Sankaran Nair was happy to work with Lord Hardinge, one of the most liberal Viceroy of India, who was immensely popular. Once, in the Imperial Legislative Council, he pulled up Madan Mohan Malaviya rather sharply. Sankaran Nair asked Malaviya why he took it lying down. Malaviya replied: "After all he is our beloved Hardinge, and I didn't want to annoy him." It was Lord Hardinge who annulled Lord Curzon's partition of Bengal. He also pressed for substantial steps being taken towards Indian self-government. Left to himself, he would have introduced provincial autonomy without further ado. He expressed himself more vehemently than any Englishman had done against the treatment of Indians in South Africa. He also favoured the admission of Indians into the King's Commissioned ranks of the Indian Army and expressed the hope that at the end of the World War Indian troopers would be stationed at Potsdam.

Lord Hardinge, however, was very much ahead of official opinion in India. At the outbreak of the War Indians of all classes expressed their fervent loyalty to Great Britain and were prepared to pour out their blood and resources for Britain's victory. But, said Sankaran Nair, "the manhood of India was not organized. The co-operation which the Indian bureaucracy required was the co-operation of master and servant—the co-operation of a servant who obeyed without question the orders of his European master, such co-operation as was commended by Sir Michael O'Dwyer in the Council. They only required a mercenary army of sepoys who served for pay." The real fear of the Government of India was that in return for India's services in the War, they would make demands for constitutional reforms which the British Government would find it difficult to resist.

Nevertheless, Sankaran Nair extended his co-operation for the conduct of the War. In addition to the exploitation of India's resources for military purposes, the Government of Great Britain demanded a cash contribution of one hundred million pounds. To this Sankaran Nair strenuously objected; and he was supported by Sir William Meyer, the Finance Member, who said that the maximum amount that India could be asked in fairness to contribute was 50 million pounds. The Secretary of State for India, too, agreed with this contention, but was overruled by the Chancellor of the Exchequer and the Prime Minister, who demanded the full one hundred million pounds. How, after his resignation from the Viceroy's Council and as Member of the Secretary of State's Council, Sankaran Nair opposed the demand for a further contribution from Indian revenues for the conduct of the War and how his strong stand saved the Indian exchequer crores of rupees will be mentioned in a subsequent chapter.

Both Sankaran Nair's predecessors in the Viceroy's Executive Council had been Law Members. Sankaran Nair was Member for Education, Health and Lands and had thirty-six departments under him, almost all of them headed by Englishmen. With some of the heads of departments, his relations were most cordial, with others it was a perpetual struggle. In the former category stood Sir John Marshal, Director General of Archaeology, for whom Sankaran Nair had the highest admiration.

Once Lady Benson, wife of a High Court Judge in Madras, went up to Sankaran Nair in great indignation and complained that a guide book compiled by G. A. Natesan, a well-known publisher in Madras, contained a statement that English soldiers had destroyed many things of archaeological beauty. She said that it was such writings that created disaffection in the country and that if, in her own country, foreign soldiers had done anything of this kind she would "hate them, hate them." Sankaran Nair asked Lady Benson to speak to Natesan who happened to be in Delhi. A little while later she went back to Sankaran Nair and told him ruefully that Natesan had told her that he had taken it from Ferguson's book on Indian architecture! "But Ferguson was a fanatic", she said, to Sankaran Nair's amusement. To the Philistine any enthusiasm, however noble, is fanatical.

Sankaran Nair was also in charge of ecclesiastical affairs. As such, his Secretary, Sir Edward Maclagan, who subsequently became Governor of the Punjab, submitted to him, on the anniversary of the First World War, the draft of a prayer to be read in all the churches in India praying for the victory of the Allies and the utter defeat of the enemy. Sankaran Nair refused to sign the draft. He said that he knew something about Jesus Christ; surely he was not one who would take sides in a war. Christ's attitude was : he

who taketh up the sword shall perish by the sword. MacLagan took the matter up to the Viceroy; in those days, a Secretary had the right to do so if he was overruled by his Member. Thereupon Chelmsford told Sankaran Nair that he had always been interested in ecclesiastical affairs and that he would like to take over that portfolio, if Sankaran Nair had no objection. Accordingly, Lord Chelmsford assumed charge of ecclesiastical affairs; and the draft in question was duly issued. But this had a strange sequel. The Roman Catholic Archbishop of Simla, in a letter to the Statesman, protested against the transfer of the portfolio, saying that he would prefer ecclesiastical affairs to be in the charge of a cultured Hindu rather than a bigoted Protestant. Sankaran Nair mentioned this incident to Montagu; and on being questioned by Montagu, Chelmsford denied it outright.

Sankaran Nair has mentioned another incident which showed that Chelmsford was not incapable of prevarication. Mahatma Gandhi sympathised with Britain during the First World War and even assisted in the recruitment of soldiers, in spite of Rev. C. F. Andrews who had tried to dissuade him. He was, however, greatly distressed by reports alleging the existence of secret treaties between the Allies, under one of which Turkey was to be divided by Great Britain and Russia. Asked about this, Chelmsford parried the question by saying, 'you know these are reports coming from enemy sources.' A perfect example of *suppressio veri suggestio falsi*. When, nearly twenty years later, Sankaran Nair mentioned this incident to Sir Lalloobhoy Samaldas in my presence, when both of them were staying with me in Ceylon, Sir Lalloobhoy said: "Perhaps Gandhi believed Chelmsford because he was an honest man. He was an honest man, wasn't he?" Sankaran Nair replied: "He told as many lies as a statesman should."

CHAPTER IX

MEMBER : EDUCATION, HEALTH AND LANDS

AS Education Member, one of the first functions which Sankaran Nair attended was the inauguration of the new Benaras Hindu University. In 1912, when he was High Court Judge, Mrs. Annie Besant had asked him whether he would assist her and Madan Mohan Malaviya in starting such a university. Sankaran Nair refused to do so in a letter which received wide publicity. In that letter he said that he was against any sectarian university, Hindu or Muslim, as it was bound to breed ill-will and strife. Subsequently, he met Sir Theodore Morrison in London and told him that the projected Pan-Islamic University was a great mistake as it would bring Muslim students from all over Asia to Aligarh and foment disloyalty in India. This had some effect, as the Aligarh University was started on different lines and was mainly confined to Indian Muslims.

When Sankaran Nair joined the Government of India, Pandit Madan Mohan Malaviya and Pandit Sunderlal met him and explained to him at length the nature of the proposed Benaras Hindu University. Sankaran Nair was then satisfied that it was not going to be a sectarian university as he had originally feared, and that there was a strong modern side to it. Thereafter, he rendered valuable assistance to the University in the teeth of opposition from British officers, civilians as well as educationists, almost all of whom, with the exception of Sir Harcourt Butler, Sankaran Nair's immediate predecessor, were hostile to it and put every obstacle in its way.

Sankaran Nair attended the opening of the University

by Lord Hardinge in February, 1916. There Mahatma Gandhi made a speech which was perhaps his first in India after he left South Africa. Sankaran Nair has given a summary of his speech which seems worth quoting in full :

"Mr. Gandhi began by an attack on English as a medium of education and a common language for India and deplored the fact that he had to use English in addressing his audience that night. At the recent Congress meetings at Bombay, he said, the only speech which gripped the audience was delivered in Hindi. He then went on to discuss the fitness of Indians for self-government, which, he said, should be judged by their conduct, not by their ability to make speeches. Take municipal affairs. The insanitary condition of Indian cities was a disgrace to the people. Benaras was a stinking den. He had had to confess to his opponents in S. Africa that Indians had strange ideas of cleanliness. Witness, for example, their manners in railway carriages. Then again, consider the poverty of the people of India. Yet at the laying of the foundation stone of the Hindu University the jewellery worn by the Indian princes presented a gorgeous show, which would have surprised even a jeweller from Paris. To show loyalty to the King, surely it was not necessary for princes to ransack their jewel boxes. Agricultural experts said that the problem of India's poverty could be solved by making two blades of grass grow where one had grown before. But would the poor cultivator be able to keep for himself any share in that extra blade? Mr. Gandhi then turned to the measures taken for the protection of His Excellency the Viceroy during his visit to Benaras. These precautions horrified him, he said. Was it not better that even Lord Hardinge should die than live a living death? He was an anarchist himself but he deprecated crimes of violence. He honoured these young men for loving their country and being willing to die for it, but he asked them, was their conduct honourable? If he found it necessary for the salvation of India that the English should be driven out, he for one would declare that they must go. Then if he were to meet an honourable death, his name would go down to posterity, not as an assassin, but as a man who died for his convictions.

"At this point there were interruptions from the audience and Mrs. Besant asked Mr. Gandhi to say no more on that subject. Mr. Gandhi attempted to explain his meaning but without much success and a number of Indian gentlemen left the meeting. After order had been restored Mr. Gandhi went on to speak of the Indian Civil Service. The members of the Service were, he said, not wholly bad. After all, they had been gentlemen once and if during their stay in India they had become arrogant and overbearing, Indians should ask themselves whether they were not in part responsible for this deterioration of character. At the end of his speech he reverted to the subject of self-government. 'We' shall never be granted self-government,' he said, 'Britain will never be a party to giving self-government to a people who will not take it themselves'."

Soon after Sankaran Nair took over, he put forward a scheme for universal primary education. The Council accepted it, with the exception of the Finance Member, Sir William Meyer. Nair had every hope that it would be accepted by the British Government as he had discussed it previously in London with Mr. Montagu, Secretary of State, who expressed himself to be entirely in favour of it. When the time came, however, Montagu withheld sanction on the ground that it was best to postpone the scheme pending the introduction of constitutional reforms which were on the anvil.

As for higher education, it was still dominated by the views of Lord Curzon as explained in his famous minute. Curzon's idea was to give elementary education to the masses in the vernacular and to reserve English education for a select minority. He thought there would be no outlet for more than a limited number of English-knowing students. He also deplored the lowering of the standards of admission to the Universities, with the result that there was no definite line of demarcation between school and college. He professed to be influenced by his desire to develop the great

mineral resources of India and of equipping young Indians to take a hand in the regeneration of native arts and crafts as well as in the larger fields of modern commercial and industrial enterprise. According to him, for that purpose, the vernacular could provide the whole educational equipment required and English would be as much out of place as Latin or Greek would be in a Board school, or a commercial lower middle class school, or an artisan's institute, in England.

Though the defects on which Lord Curzon laid his fingers were real, Sankaran Nair felt that Curzon failed to realise how necessary higher education in the English language was for political progress, social reform, religious enlightenment and the amelioration of the position of women. "The splendid results", he wrote, "attained by Western culture outside India amply confirm my view. Lord Curzon's educational policy would have stood in the way of Japan attaining eminence in the arts of war and peace. The renaissance in China is due to the culture imparted by English education to Chinese men and women, particularly by Americans. The results have been equally glorious in the Muhammadan world. It is Western culture that has created the Turkey of Mustafa Kemal Pasha; Curzon's educational policy would have perpetuated Khilafat Turkey. The great men whom India has now produced, Sir J. C. Bose, Sir C. V. Raman, Rabindranath Tagore and Gopal Krishna Gokhale would not have come to the front if Lord Curzon's policy had been enforced in India."

To men of Curzon's mode of thinking, the Calcutta university was the principal *bete noire*, and Sir Asutosh Mookerjee, its redoubtable Vice-Chancellor, was one of the men most detested by them. With immense skill, he had built up a post-graduate department and encouraged higher English education in the Calcutta University. For that, he

used funds which, strictly speaking, ought to have been utilized for secondary education. He did so by placing his own interpretation upon the rules framed by himself, giving him complete control. The Education Department pressed for the appointment of a Commission to go into the financial 'irregularities' of the University. Sankaran Nair's acceptance of this proposal would have resulted in the elimination of the post-graduate department which was then doing excellent work. Sankaran Nair, therefore, overruled the proposal and appointed a wider Commission to investigate the entire system of education in the Calcutta University. It was headed by Sir Michael Sadler, a famous educationist in Great Britain, and, to the annoyance of British officers, included their villain, Sir Asutosh Mookerjee. The Statesman, in its issue of the 16th September, 1917, gave vent to their indignation thus : "The constitution of the Commission of the University of Calcutta has been in large measure anticipated. The surmise that Asutosh Mookerjee would be a member is confirmed. The question that remains to be solved when the Commission meets in November is whether Dr. Sadler will prove strong enough to cope with the masterful and clever man who has long dominated the University. On the whole, we are disposed to believe that the odds are in favour of Asutosh Mookerjee. Dr. Sadler knows probably more about education in all its aspects than any other person in the world, but it is by no means certain that he possesses that strength of will or the knowledge necessary in order to penetrate into the shams of the Calcutta University. The object of Sir Asutosh Mookerjee will be to show that that white sepulchre is an active progressive home of learning, and it will need all the resolution of the other Commissioners to discover the squalid truth."

Sankaran Nair's own Secretary, Sir Henry Sharp, differed from him and took advantage of the privilege of Secretaries

in those days to take this matter to the Viceroy. He wrote to Sankaran Nair on the 15th March, 1917 : "I ought to let you know that after speaking to Maclagan I have written a letter to the Private Secretary to the Viceroy protesting against the proposed composition of the Calcutta University Commission. The P.S.V. tells me that he is placing it before His Excellency. I think you are probably tired of the subject. To me, who has been struggling for ten years against the reactionary forces in Calcutta, it is a matter of vital import."

After a long and arduous work of two years, the Commission issued a ponderous report of five volumes, containing the evidence and its recommendations. As a result, the scope of studies in the older Universities was widened and new Universities were established. The Universities ceased to be mere examining bodies; they took to teaching and research as well. Indeed, the entire University education in India may be said to have taken a new turn.

As for the Calcutta University, it is not too much to say that it was saved by Sankaran Nair. He saved it again after he resigned from the Viceroy's Council and when he was Member of the Council of the Secretary of State for India. The Montagu-Chelmsford Reforms envisaged that the control of the University would rest with the elected Minister in the Government of Bengal. In order to forestall this, the Government of India sought to introduce a bill to officialise the University. On Sankaran Nair's strong advice, the Secretary of State refused his consent to the publication and introduction of this bill.

Sankaran Nair was also in charge of Public Health. At a conference of doctors and sanitary officials he said : "We can claim the most revolutionary discoveries in malaria, and yet malaria carries off hundreds of thousands from our

midst every year. We can claim knowledge of the theory of plague infection, and yet for 22 years this scourge has infested our country. We are carrying on valuable research and studies on hookworm, leprosy and other diseases, yet our labour force is disabled by hookworm, and the leper is too often found among our villages. Our rural tracts are insanitary, our cities are frequently models of unsatisfactory housing. We cannot sit with folded hands while millions perish and the national vitality is lowered."

Sankaran Nair felt that one remedy was to Indianise the higher ranks of the Medical Department. In this he met with little success. The IMS was practically closed to Indians. It was monopolised by British medical officers who were liable to be drafted for military service. During the War there was a Tropical School of Medicine in Calcutta, but there were no students, because the instructors, all Englishmen, had gone to the front! With the concurrence of Lord Hardinge, Sankaran Nair selected three Indians for appointment to the School, but the Medical Department reopened the matter when Lord Chelmsford came as Viceroy and it looked as if it was going to have its way. Sankaran Nair, therefore, dropped the matter. He did not want to have small clashes with the Viceroy on comparatively small matters. He became more convinced than ever that the only comprehensive remedy was self-government; and he reserved his energies for a head-on collision which, he knew, was inevitable on the question of India's constitutional progress.

CHAPTER X

THE MONTAGU-CHELMSFORD REFORMS

SANKARAN NAIR spent the last summer of his life in 1933 with me in Ceylon. He was then 77 and deeply interested in political and international developments. He seldom indulged in the old man's hobby of entertaining—or boring—younger men with his reminiscences. Yet I sometimes drew him out on the events of his remarkable life. Once I said: "I suppose your time as Member of the Viceroy's Executive Council was the most fruitful period of your life." "Fruitful!", he exclaimed, "it was hellish, Hellish. If I had known what I was in for in Delhi, I would never have left Madras." Then, after a few moments' silence, he said: "Still, I suppose, it was fruitful. I would have had no regrets if I had been able to advance the cause of Indian unity as I had advanced the cause of Indian freedom."

It was his conduct during this "hellish" time—hellish for himself but fruitful for his country—which entitles him to be regarded as one of the builders of India.

As already mentioned, Sankaran Nair entered the Viceroy's Council with grave misgivings but also with some hope that he might be able to promote India's political progress. He had no illusions regarding the opposition he was likely to encounter from his colleagues, all British, though the magnitude of the opposition turned out to be far greater than he had expected. Nevertheless, he had hopes that he might be able to do something. These rested on the support on which he could count from that liberal and enlightened Viceroy, Lord Hardinge. With Lord Hardinge's

departure and Lord Chelmsford's arrival, such hopes receded, and his forebodings became graver and graver.

Lord Chelmsford was determined to keep Sankaran Nair at arm's length. "From the outset", said Sankaran Nair, "his treatment of me was cold and distant." Sankaran Nair's predecessor, Sir Ali Imam, was suspected by the Anglo-Indian community to have had an undue influence over Lord Hardinge. Sir Ali's brother, Hasan Imam, told Sankaran Nair that he had been told by the Under Secretary of State for India that while he had no objection to one or two of the highest appointments being given to Indians, he had the strongest objection to the Viceroy being under the thumb of any Indian. The Under Secretary of State must have mentioned this to Lord Chelmsford also.

Sankaran Nair's relations with Lord Hardinge were most cordial. He used to send him his draft speeches and told him that if he found anything which was unpalatable to Indians, he should point it out, and that if his advice was disregarded the responsibility would be Hardinge's only. He also expected Sankaran Nair to keep him in touch with Indian public opinion from day to day. Following this suggestion, Sankaran Nair told Lord Chelmsford soon after he took over that it was being freely said in the bazaars that in Chelmsford's time as Viceroy Britain would lose the Indian empire, as was apparent from the fact that though Lord Hardinge was responsible for the Mesopotamian campaign, Kut surrendered only after Lord Chelmsford came. Chelmsford said that he had nothing to do with the expedition and was visibly annoyed. This was not a good beginning.

Lord Chelmsford, unlike his predecessor, was completely under the sway of his Council and his Council consisted of men who, from the Indian political standpoint, were reactionaries. Unlike Lord Hardinge, Lord Chelmsford had

no mind of his own. Montagu correctly summed him up in his "Indian Diary". "Chelmsford", he wrote, "was strongly prejudiced in his views and held them very very keenly but none of his views seemed to be his own. They were all collected from his surroundings. And his surroundings were dominated by men like Sir Reginald Craddock, Home Member, who were hostile to India's political progress."

The remarkable thing about Sankaran Nair was that as member of the Viceroy's Council he regarded himself as the standard-bearer of the Indian National Congress or, at any rate, of the ideal for which it stood. Since he presided over the Congress in 1897, it had changed considerably. The last Congress, which he attended before he became judge of the High Court of Madras, was the Calcutta Congress of December 1906, presided over by Dadabhai Naoroji. There he attended many meetings at Darbhanga House where Sir Pherozeshah Mehta, Gopal Krishna Gokhale and Surendranath Banerjee passionately pleaded for moderation in order that a calm atmosphere may be created for Lord Morley, the liberal Secretary of State. They were strongly opposed by Tilak, Bipin Chandra Pal and Arabindo Ghosh who advocated such measures as the boycott of British goods. After a heated discussion, resolutions on Swadeshi and boycott were passed by the Congress. The Congress also laid down Swaraj or self-government as in the Dominions as the goal of the people.

In 1908 the Congress was held at Surat. In a list published a few days before the meeting of the Congress, self-government and boycott, on which resolutions had been passed at the Calcutta Congress, were omitted by Gokhale and the moderate section. Tilak and Arabindo Ghosh strongly objected to this attempt to go back on the old

resolutions. There was a violent collision at the Congress meeting where Tilak opposed the nomination of Dr. Rash Bihari Ghosh to the Presidential chair. The Congress was violently dissolved; and the extremists, headed by Tilak and Arabindo Ghosh, and the moderates, headed by Sir Pherozeshah Mehta and Gokhale, finally separated. The two parties were not to meet together again for many years to come.

The old decorous Congress, which Sankaran Nair knew, thus came to an end. Yet the old ideal of the Congress shone brightly in his mind, and never more than when he faced opposition at the hands of the Viceroy and his Executive Council. When Sankaran Nair entered the Council, the question of constitutional reform was very much in the air. Gokhale submitted a memorandum in March 1915, demanding the grant of provincial autonomy. Lord Sinha, as President of the Congress in 1915, declared that its goal was self-government, that is, government of the people, by the people, for the people. He, however, added, to the jubilation of the diehards, that "the time is not yet." Surendranath Banerjee and Mrs. Annie Besant strongly opposed this view and contended that it was absolutely necessary that control of policy should pass without delay into Indian hands. Sankaran Nair was in sympathy with them.

Before he joined the Viceroy's Executive Council, he consulted various persons regarding the policy which he was to follow. Among them was Mrs. Besant. On the 5th August 1915 she wrote to him: "I should like very much to have half an hour's talk with you regarding self-government. I thoroughly agree with you that we should ask for it straight out."

Mrs. Besant did not allow the grass to grow under her feet. She stepped into the arena at once with her usual

impetuosity, attended the next Congress held at Bombay in December, 1915, carried the self-government resolution against the President, Sir S. P. Sinha, and began her great agitation for Home Rule. Some members of the Government of India proposed that steps should be taken to prosecute her immediately after the Congress. By that time Sankaran Nair had taken charge and he persuaded Lord Hardinge to leave her alone for the time being.

The agitation for home rule and the brilliant participation of Indian troops in the War were beginning to have an effect on British public opinion, which thought that the time was ripe for granting constitutional reforms on a liberal scale to India. The Secretary of State asked for the views of the Viceroy, and Lord Hardinge submitted a memorandum which was on the whole liberal. Lord Chelmsford, however, ignored his predecessor's memorandum and, as a result of his discussions with the Members of his Council, sent a despatch, whittling down Lord Hardinge's proposals. It began with the pompous observation that "the goal to which we look forward is the endowment of British India, as an integral part of the Empire, with self-government, but the rate of progress towards the goal must depend upon the improvement and wide diffusion of education, the softening of racial and religious differences and the acquisition of political experience." All that the Government of India envisaged was the development of urban and rural self-government, an increase in the proportion of Indians in the Public Services and enlargement of the elected element in the Provincial Legislative Councils. Sankaran Nair felt that these proposals were ludicrously inadequate. To use Sir Reginald Craddock's words, the intention of the Government of India was to hold up self-government, "as a beacon on the top of a distant hill to which India, like

Bunyan's pilgrim, will have to pass through jungles and valleys infested with snakes and wild animals." Sankaran Nair wrote a minute, strongly dissenting from the proposals of the Government of India.

Sankaran Nair has given, in his memoirs, a vivid description of the pressure to which he was subjected by some of his colleagues to make him withdraw his memorandum and adopt a more conciliatory attitude. "One Member would come to my office room almost every day after reading my minute of dissent. He begged, protested, threatened. He assured me that my dissent amounted to a threat and the English people would not stand it. He further told me that I was putting forward the claim for further reform on the basis of various grievances and misgovernment, which is bad tactics, and that in the interests of the country I should not assume that attitude as that would stop all further reforms. He asked me to allow him to draft a minute of dissent for me which would serve my purpose and would not do the country any harm. He accordingly wrote one. I read the dissent which he wrote for me. I told him that I was not prepared to accept it. He then requested me to keep my minute of dissent as my protest on the records of the Indian Government and not to submit it to the Secretary of State. When I refused, he requested me to submit my memorandum separately to the Secretary of State through the Viceroy and not make it a part of the report. He told me that he was speaking to me on behalf of the Viceroy. I had heard often of the powers of persuasion and pressure on the part of Englishmen but I never realised its force till then. When I refused all this, I received a letter from another Member to the effect that they would withdraw even some of the concessions granted in the Government's report such as the appointment of an Indian Member to the Provincial Executive Council."

The difference between the despatch of the Government of India and Sankaran Nair's minute was vital. A colleague of his wrote to him thus : "Our despatch rests upon the foundation of a strong conviction of India's loyalty and of her firm belief in the justice of British rule and in the intention of the British Government and of its officers..... Your minute gives as the justification for the reforms not the loyalty of India and her peaceful progress, but the almost universal discontent of the people. In fact the minute goes far to corroborate the German view that India is seething with discontent, whereas in our despatch we contend that general discontent is confined to a very small section of the community and to the immature who are beguiled by extremists. The two presentments of the case are therefore mutually destructive."

"My colleague", wrote Sankaran Nair tersely, "was quite right."

Finding that the Viceroy's Executive Council was reactionary and determined to counteract his moves, Sankaran Nair got into touch with Indian public opinion. "I suggested to Bhupendra Nath Basu who was then my guest that the elected members of the Council had better submit a memorandum of their views. Mr. Basu and Sir B. N. Sarma, afterwards a Member of the Government, wrote a memorandum at Inverram, my Simla residence. Afterwards they took it to Mr. Jinnah and after his approval got the other elected members, in all 19, to sign it." This was the origin of the famous '19 Members' Memorandum' which had a profound effect on subsequent developments. It demanded a substantial majority of elected members in all the Legislative Councils, the power to pass money bills, fiscal autonomy, an equal number of Indian and European members in all Executive Councils, provincial autonomy,

a full measure of local self-government and the abolition of the Secretary of State's Council. It formed the basis of the Lucknow Pact of 1915 which was accepted by the Congress as well as the Muslim League.

The Memorandum of the 19 Members was submitted to the Government of India, but the Government refused to forward it to the Secretary of the State, as it should have done. Seeing an account of it in the newspapers, the Secretary of State telegraphed for it. The Government of India had no alternative but to submit it. The Government of India found out that Sankaran Nair had inspired this memorandum and the Viceroy was wild with rage. Sankaran Nair was told that his conduct was improper, that he was a part of Lord Chelmsford's Government and that it was his duty to abide by its decisions and to refrain from doing anything which was in conflict with them. In fact, he was told that the Viceroy now felt that it was a mistake to have taken him into the Government and that he should not have accepted a seat in the Government. His presence had deprived the Government of its homogeneous character, and his actions were against constitutional practice. "Lord Hardinge", comments Sankaran Nair, "would have said exactly the opposite." When a similar situation had arisen, Lord Hardinge had told him that it was his duty to act for the good of India irrespective of any other consideration. "To me, of course, this was the only consideration."

The Government of India now began to show the iron fist beneath the velvet glove. In March 1917, they issued the so-called Home Rule Circular, condemning the changes advocated by Mrs. Besant and others as "catastrophic, revolutionary and subversive of the existing situation." They impressed upon the local governments that it was their duty to warn Indians that all thought of home rule should be put entirely out of mind and to take action against agitators.

This Circular was issued without Sankaran Nair's consent and against his recorded dissent.

It was in these circumstances that the despatch of the Government of India, including Sankaran Nair's dissent on the subject of constitutional reforms, was taken up by Sir Austen Chamberlain, Secretary of State. He had no hesitation in rejecting the report of the Government of India and accepting the principle underlying Sankaran Nair's dissent. Sankaran Nair's main contention was that no reform would do any good unless it was accompanied by a transfer of responsibility. Sir Austen Chamberlain wrote to the Government of India accordingly, observing that they had not come to grips with the main question which was that responsibility should be given to the Legislative Councils. He also observed that the time had come for the Government of India to take into account the opinion of Indian political leaders. "Does your Government sufficiently realise", he asked, "that the time has gone by when it was sufficient for it to do the right thing, and that now you must not only do right, but persuade people that it is right? You must take account of public opinion. It is no longer possible simply to wrap yourselves in your own virtues and 'd-n' the consequences. As you go on, it will be more and more necessary that you should prepare and form public opinion—all the more so, because you can't count on such help from the press as even now we can still obtain in England. If I may say so without offence, I think that the Indian Government is 'sticky' on this point in all its branches, and that it has not yet realised the need to adapt itself to the changed conditions of the times. Wherever Indian opinion is stirred—the War, Turkey, the Sheriff, emigration—the departments exclaim: 'Say nothing! Do nothing! Pray Heaven, if we are quiet, the storm will pass over our heads. If we pretend there is nothing going on that calls for action

or explanation, all will be well. No one will think or question, if only we make believe that there is nothing to think or ask questions about.' I am sure this will not do. I am sure that it will lead to a growing estrangement between the government and the governed, and that unless you act in time you will some day wake up to find that between you and them an impassable gulf is fixed which it will then be impossible to bridge."

In the meantime, Sir Austen Chamberlain resigned as a result of the report on the Mesopotamian campaign and was succeeded by Montagu.

Edwin Montagu's appointment as Secretary of State roused great hopes in Sankaran Nair's mind. Only six days before his appointment Montagu had made a speech in the House of Commons in which he described the Government of India as "too wooden, too iron, too inelastic, too antedeluvian, to be of any use for the modern purposes we have in view. I do not believe that anybody could ever support the Government of India from the point of view of modern requirements." He went on to say that the India Office produces "an apotheosis of circumlocution and red tape beyond the dreams of any ordinary citizen." "You cannot govern a great country", he said, "by the despatch of telegrams."

Montagu concluded his speech thus: "I am positive of this: Your great claim to continue the illogical system of government by which you have governed India in the past is that it was efficient. It has been proved to be not efficient. It has been proved to be not sufficiently elastic to express the will of the Indian people, to make them into a warring nation as they wanted to be. The history of this war shows that you can rely upon the loyalty of the Indian people to the British Empire—if you ever before doubted

it. If you want to use that loyalty you must take advantage of that love of country which is a religion in India, and you must give them that bigger opportunity of controlling their own destinies, not merely by Councils which cannot act, but by control, by growing control, of the Executive itself. Then in your next war—if we ever have a war—in your next crisis, through times of peace, you will have a contented India, an India equipped to help. Believe me, Mr. Speaker, it is not a question of expediency, it is not a question of desirability. Unless you are prepared to remodel, in the light of modern experience, this century-old and cumbrous machine, then I believe, I verily believe, that you will lose your right to control the destinies of the Indian Empire.”

Montagu and Sankaran Nair had known each other before he became Secretary of State for India. At a meeting in London held to honour Sir K. Gupta, who was retiring from the India Office, Montagu introduced himself to Sankaran Nair and said that he was glad to meet the only person, so far as he knew, who took the same view as himself about denominational universities like Benaras and Aligarh. It was he who brought Sankaran Nair to the notice of Lord Crewe, then the Secretary of State for India, in connection with the Membership of the Viceroy's Council.

On the 14th August, 1917, the Government of India received from the Secretary of State the text of a historic announcement which he proposed to make :—“The policy of His Majesty's Government is that of the increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India under the aegis of the British Crown. They have decided that substantial steps in this direction should be taken as soon as possible.” The Government of India

suggested the omission of the words "under the aegis of the British Crown" and the substitution of the words, "as an integral part of the British Empire." This was accepted; and Montagu announced his intention to visit India. On the 29th October, a few days before the arrival of Montagu, there was a vitriolic article in the column of the "Madras Mail", one of the leading English dailies in India edited by Welby, denouncing Lord Chelmsford and Montagu as liars and adding that Sankaran Nair was the "emasculator" of the Government of India and that Chelmsford and Montagu were only carrying out his instructions.

Montagu arrived in India on the 11th November 1917. The Government of India showed a grim determination to fight Montagu and confronted him with a statement of reform, beyond which they were not prepared to go. They, however, added that "Sir Sankaran Nair does not agree with this memorandum, as in his opinion the proposals contained therein do not constitute any real advance towards or training in self-government and therefore do not comply with the announcement that substantial steps towards the progressive realization of responsible government should be taken as early as possible. He proposes to submit his views in a separate minute."

On the 17th November, Montagu wrote in his diary: "I took a preliminary reading of the Government of India scheme. This is very very depressing. I am satisfied it could not be accepted for a moment. If they can go no further than this we are doomed to failure." When Lord Chelmsford told him that this was their ultimate limit, Montagu said: "We had better go home." Later he wrote that he "went to bed more nearly depressed than I had ever been; in fact, I thought in the night it was hardly worth going on." On the 18th he wrote that "informal discussion, informal conversation, they (the Gov-

ernment of India) do not know. Political instinct they have none. The wooing of constituents is beneath their idea; the coaxing of the press is not their *metier*. Nothing is required of them but to get through their files and carry on their social work according to rule. Everything is prescribed; everything is printed." And on the 20th he wrote, "These people here, with whom I really have no patience, living in their seclusion and in a firm belief in their superiority, are really tinkering with their subject. They are not in earnest in suggesting a fundamental reform, and they are very foolish. Heaven save them if our tour fails."

Montagu then proceeded on tour to sound Indian public opinion. Sir William Vincent, who, according to Sankaran Nair, was the most reactionary member of the Indian Government, was deputed to accompany him. Before he came to India, Montagu had expressed his desire that Sankaran Nair should accompany him on his tour but the Viceroy refused to agree and deputed Bhupendra Nath Basu instead.

While in Madras, Montagu came across Subramania Iyer. He was, Sankaran Nair wrote in his memoirs, "an honoured name in that Presidency. He had till shortly before that time been held up to us all, and me in particular, as a loyal and patriotic gentleman." Yet, he wrote a letter to President Wilson thus: "British officials voted themselves exorbitant salaries and large allowances; they refused us education; they sapped us of our will; they imposed crushing taxes without our consent. They cast thousands of our people into prisons for uttering patriotic sentiments—prisons so filthy that often the inmates died from loathsome diseases." And he described the Indian Civil Service as "so subtle and clever that they would put

into the shade a syndicate composed of Machiavelli, Li Hung-chang and Abdul Hamid."

Montagu found Lord Pentland, the Governor of Madras, very reactionary. "This morning", he says in his "Indian Diary", "Lord Pentland came to me for breakfast: He told me that he believed that we ought not to talk politics to these people at all. We ought to play with them, humour them and discuss with them industrial development, education and social reform; that there is no necessity for doing anything; that he could not understand why we thought differently; that nobody in Madras wanted the announcement; that the whole of his Council were unanimous; that even the last Council agreed with him. He actually said there was no difference of opinion between him and Sivaswami Iyer, the Indian Member of the Executive Council. He talked about the Brahmins bitterly. He assured me that all respect for the Government had gone; that people used to consider all officials from the Viceroy downwards as sort of gods, not to be argued with or challenged. That had all disappeared; we were playing with fire; danger was written everywhere; he does not know what to say or how to think; he has no confidence to express an opinion; he does not know what to say. The position is very difficult. Authority has gone; he is not prepared to say whether for always, but at any rate for the present."

C. P. Ramaswami Iyer complained to Montagu of the Government's policy of setting up Mohammadans against Hindus. The truth was this: The old Muslim League representation signed by the Prince of Arcot was in favour of substantial reforms. He had also refused to start a new Association to present an adverse representation. Lord Pentland sent for him and told him, "Prince, we have shaken the pagoda tree long enough and we may well

leave. But the Muslims will have to look after themselves and will suffer." The Prince was a dependent of the Government and thought he would be crushed if he did not obey; accordingly he resigned from the old Association and presented a new address on behalf of the new Association opposing reforms.

Lord Willingdon, Governor of Bombay, and Lord Ronaldshay, Governor of Bengal, however, were far more liberal and a refreshing contrast to Lord Pentland.

As a result of his journeys and discussions, Montagu came to the conclusion that the time had come for the introduction of diarchy in the provinces, preceded by a period of six years' probation when Legislative Councils would have power without responsibility. After the probationary period, Ministers responsible to the Legislature would be appointed, subject to certain statutory safeguards. When Montagu's proposals came up before the Council, Sankaran Nair strongly objected both to the probationary period and to the proposed safeguards. "I told them", he wrote in his diary, "that the Government was again going to deceive the people by promises, as in the case of the Charter Act of 1833 and the Proclamation of 1858, and that if some tinkering measures and promises alone were to be made there was no use for the Secretary of State having come out to this country. I entirely repudiated the idea that we have not got men to form a Ministry and carry on the administration. . . . It is urged by some members that at the end of six years there should be a further examination before any responsibility is to be given. This meant that not only was no responsibility to be given now but that such responsibility was not to be given even after six years unless the Statutory Commission was satisfied. This showed that the promise was likely

to be as illusory as the old promises. In the case of the budget it was said that the Governor was to have the right to restore the budget even in the case of the 'transferred subjects.' This meant that there was to be really no financial control. As for the Governor's power to issue ordinances, I pointed out we were going back on the Government of India Despatch of November 1916. I said further that the time had long gone by when mere declarations would satisfy Indians. Therefore, it was necessary to give full control and full responsibility in some subjects at once. I said I was entirely against any delay. I asked that diarchy at any rate should be introduced at once, i.e. responsible Government in at least some subjects. I let them clearly understand that so far as I was concerned I would do my best to wreck the whole scheme and take the consequences, if power and responsibility were not given at once. After all we did not want the Secretary of State to come out to India at our cost to discover and tell us that we were unfit for any progress! I told them that all their professions that the War was for self-determination were hypocrisy, and that I regretted very much that the Secretary of State came to India, only to come under the influence of Lord Chelmsford and the civilians. As for the objection raised by some members regarding our unfitness on account of the caste system, I told them that the Government was responsible, in effect, for the caste system, because they imposed Hindu law upon all Hindus by legislation, even upon those who did not want it and who objected to it. So long, therefore, as the Courts had to administer the Hindu Law they had to enforce the caste system. The Government alone were responsible for it. We Indian politicians had tried our best to assist the lower classes; it was the Government that stood in our way. We wanted to introduce civil

marriage law, it was the Government that opposed it. We wanted a law for free, compulsory education, it was the Government that opposed it. These two laws would have removed all obstacles, all caste disabilities and enabled the lower classes to assert themselves. It is therefore unscrupulous to bring forward the arguments based on the existence of the caste system and the lower classes against conferring responsible Government. I do not exactly remember all that I said. But I certainly was not polite or courteous to Mr. Montagu or to Lord Chelmsford."

On the 10th December, Montagu wrote in his diary that Sankaran Nair was "frightfully quarrelsome and vilely mannered and obviously out to wreck." Later, he wrote: "Roberts reports to me that he had a long interview with Nair this evening, who refused to look at any scheme, and seems to think that he can create a revolution. Perhaps he can. Certainly he will if the Government of India has its own way. I do not know what to do; I do not know where to turn for help. The whole thing, just as it looked most promising, has tumbled about my ears." Later, Montagu wrote: "I have recorded the results of Roberts' interview with Nair and his belief that Nair was out to wreck all and any plan; that Nair had even told him that two or three years of repressive action would give India all that it wanted."

Montagu realised that Sankaran Nair was a power in the land. He wrote: "Sir C. P. Ramaswamy Iyer had warned me that it was absolutely necessary to get him on my side, for Sankaran Nair wielded more influence than any other Indian. Nair also told me that he did not wish to be egotistical but anything he commended to the Indians, the Indians would accept, but if this was not done, nobody else could make them accept it. As I have heard this from all other sources I quite agree."

A few days later, Montagu invited himself to lunch with Sankaran Nair. Lady Sankaran Nair and their daughters were present. Sankaran Nair told Montagu that he would be satisfied if India could have diarchy at once; she should not be put off again with promises. To this, Montagu agreed. He would give up the idea of a probationary period and agree to the introduction of responsible government in certain subjects in the Provinces at once. "Sankaran Nair told me", wrote the Secretary of State, "that he would naturally go on fighting his own cause, but that if I hold him that this was all he could get he would accept it. I left him and came home very satisfied with his attitude."

This was the background of the Montagu-Chelmsford Report, which was hailed as a monumental work. "Yet", wrote Sankaran Nair, "as a picture of the India of 1918, it is absolutely misleading. It takes no account whatever of the Indian National Congress which had been going on for 30 years."

The Government of India sent a despatch on the Montagu-Chelmsford Reforms on the 5th March 1919. They also submitted a memorandum by Sir Michael O'Dwyer dated the 10th January in which he violently attacked educated Indians and the reforms they advocated. "Throughout", wrote Michael O'Dwyer, "we have to keep before us the solid interests of the masses of the people. They have not spoken yet. Till they are in a position to speak, i.e., after they have acquired such modicum of political intelligence and acumen as will enable them to understand the broad issues, and till they know what they want and by what measures they propose to get it, we are not, in my humble opinion, entitled to commit ourselves to far-reaching and irrevocable political changes in order to

silence the clamour of the advanced politicians, of whom some are out for their own personal interests, others desire to make British rule impossible, while those, and they are not few, whose aims are honest and loyal, are still generally lacking in political experience, in sense of responsibility, and in the right to speak for the masses." To this Sankaran Nair wrote an effective reply pointing out that the ICS had failed to govern the country effectively. His reply was generally appreciated. Even the leading English commercial paper, *Capital*, praised it saying that "it is brilliant and convincing and proves that both in dialectics and ethics he (Sankaran Nair) towers head and shoulders above his colleagues in the Viceroy's Council."

Sankaran Nair wrote a minute dissenting from the Government of India's despatch on the proposals of Montagu and Chelmsford. The Government of India forwarded his minute with the remark: "Our colleague, Sir Sankaran Nair, has recorded a note of dissent, which we attach. Time is important and we have not discussed his arguments, although it will be clear that we have fully considered and rejected them." Sankaran Nair commented on this note thus: "I have never read more pitiful bunkum. There is not in the whole despatch a scintilla of evidence that my arguments were considered or even understood. On the contrary there is overwhelming evidence that the Cabinet decided that their only safety lay in never minding me."

The despatch of the Government of India, including Sankaran Nair's minute, was considered by a Joint Select Committee of Both Houses of Parliament. The Committee accepted almost all the points made in Sankaran Nair's dissenting minute.

The reception of the Montagu-Chelmsford Reforms in India was varied. At the Amritsar Congress in the clos-

ing days of 1919 and on the 1st January, 1920, various resolutions were put forward. A resolution proposed by C. R. Das and supported by Tilak said that the Reforms Act was "inadequate, unsatisfactory and disappointing." It urged parliament to take early steps to establish full responsible Government in India in accordance with the principle of self-determination. To this, Mahatma Gandhi moved an amendment deleting the word 'disappointing' and adding that "This Congress begs loyally to respond to the sentiments expressed in the Royal Proclamation—namely, 'Let it (the New Era) begin with a common determination among My people and My officers to work together for a common purpose,' and trusts that both the authorities and the people will co-operate in working the Reforms so as to secure the early establishment of full responsible government; and this Congress offers its warmest thanks to the Right Hon. E. S. Montagu for his labours in connection with them." Gandhiji's amendment was supported by Jinnah. Finally, a resolution was passed, reiterating that India was fit for full responsible government, that the Reforms Act was inadequate, unsatisfactory and disappointing, that full responsible government be introduced, that, pending such reforms, the people should work the reforms, and that the thanks of the Congress be conveyed to Montagu for his labours in connection with the reforms.

At the same time a Conference was held by the Moderates at Calcutta. A resolution moved by Surendranath Banerjee was passed accepting the Government of India Act of 1919 as a definite and substantial step towards the progressive realisation of responsible self-government. He bitterly attacked that section of the Congress which repudiated it and deprecated agitation being started at the start of the new Reforms.

There followed the Reforms Act of 1919. Its main feature was the introduction of diarchy in the Provinces, under which elected Ministers, responsible to the Legislature, were in charge of certain "transferred" subjects such as education, health and local self-government; and Members nominated by the Governor, were in charge of "reserved" subjects, such as law and order and finance. The executive in the Centre was left untouched, except for the addition of two Indian Members in the Viceroy's Executive Council. The powers of the Legislative Assembly and the Legislative Councils, however, were enlarged. These measures were far more liberal than the paltry proposals which had been put forward by the Government of India in 1916. For this the credit must go largely to the uncompromising stand taken by Sankaran Nair in the Viceroy's Executive Council.

In this chapter I have not attempted to give an account of the proposals and counter-proposals which were put forward from time to time. All that I have done is to show how the will of one patriotic and determined man could change the course of events. But there now appeared on the scene a man of destiny who was not only a patriot but a prophet and who was to change the course of events not only in India but in Asia and the world. That man, Mohandas Karamchand Gandhi, also welcomed the Montagu-Chelmsford Reforms as a step towards responsible government and went out of his way to respond loyally and gratefully to the sentiments expressed in the King's Proclamation inaugurating "the new era". But, as will be described in the next chapter, the era turned out to be very different from what Gandhiji and George V had expected. It was also different from what had been hoped for by Sankaran Nair, but for whose lone and courageous stand in the face of strong opposition from the

Viceroy, his Executive Council and the ICS, the Reforms would have been far more niggardly than they were. Why they failed to yield the expected fruits will be described in the next chapter.

CHAPTER XI

REFORM, REPRESSION AND REVOLUTION

THE report on the Montagu-Chelmsford Reforms was signed by the Government of India on the 15th March, 1919, and the Rowlatt Act was passed on the 18th March. It is not too much to say that the effects of the one were almost neutralized by the other. The Montagu-Chelmsford Reforms were as liberal and enlightened a measure as could be expected at that time; the Rowlatt Act was one of the worst repressive pieces of legislation which has ever found its way into the statute book.

The last fifty years of British rule in India provide an excellent study on the cycle of reform, repression and revolution. To start with, the Indian National Congress was a reformist body, but when the reforms which it desired were too much to be conceded, the bureaucracy resorted to repression, and that, in turn, produced anger which turned men's minds to revolution. We have already seen how the repressive measures taken by the Bombay Government in 1897, the year in which Sankaran Nair presided over the Congress, produced the then revolutionary wing, headed by Bal Gangadhar Tilak. Similarly, the partition of Bengal and its aftermath led to the growth of the revolutionary movement in Bengal. And the Rowlatt Act set the Punjab on fire. Thus were successively alienated the virile Marathas, the intellectual and sentimental Bengalees and the 'martial races' of the Punjab, which had been regarded as the bastion of British rule in India.

The Rowlatt Act was designed to deal with subversive and revolutionary activities in India. No single event contributed so much to the growth of these activities as the partition of Bengal effected by Lord Curzon. Looking back, one almost feels that Lord Curzon was sent by Providence to goad dormant Indian nationalism into action. We have already seen how he tried to restrict higher education to a select few. In 1904, he openly declared that "the posts in the ICS must, as a general rule, be held by Englishmen, for the reason that they possess, partly by heredity, partly by upbringing and partly by education, the knowledge of the principles of government, the habits of mind and the vigour of character which are essential for the task, and that the rule of India being a British rule and any other rule being in the circumstances of the case impossible, the tone and standard should be set by those who have created it and are responsible for it." When Indians pointed out that this was contrary to the declarations of equality made in 1838 in the name of Queen Victoria, in 1858 after the 'Indian Mutiny', in 1877 at the Delhi Durbar by Lord Lytton and again in 1887 by the Queen Empress, and accused Lord Curzon of breach of promise, he was enraged and, in the course of his Convocation Address at the Calcutta University, he attributed to Indian character a lack of veracity and a tendency to prevaricate. The next day the Amrita Bazar Patrika came out with an extract from Lord Curzon's own memoirs which showed that he was by no means free from these traits; and India's indignation dissolved itself in laughter.

The partition of Bengal, however, was by no means a laughing matter. Though it was proposed ostensibly on administrative grounds, it was regarded as a flagrant application of the policy of divide and rule, of wooing the Muslims and detaching them from the national movement.

As early as 1888, Alan Hume, the Father of the Indian National Congress, distressed by the Hindu-Muslim riots which had broken out in a number of North Indian cities, referred in the course of a speech, which he delivered in Allahabad, to the policy of divide and rule. "How stands the case?" he asked. "On the one side stand we of the Congress preaching union, good fellowship, kindness and tolerance to all, a kindly co-operation in efforts for the amelioration of the lot of the entire nation, a recognition of the fact that subjects of the one beloved Sovereign, children or residents of the same great country, we are all brethren whose good and evil fortunes are so inextricably interlinked that the advancement of one section is the gain of all, the injury of one the loss of all. This, I humbly conceive, is God's own gospel of peace and goodwill amongst men. On the other side stand certain opponents of this good work teaching Muslims that the Hindus are not their brethren, that they are a different nation, that their interests are different, and in every possible way labouring to excite distrust and foment sectarian animosity in the minds of the Muslim population against their Hindu brethren. This I denounce as the devil's own dismal doctrine of discord and disunion." It was this doctrine which led ultimately to the partition of India.

There was a most vehement agitation against the partition of Bengal which has been vividly described by Surendranath Banerjee in his book, "A Nation in the Making". All the weapons which subsequently became fashionable, such as boycott, the closure of shops, hartals and observance of days of mourning, were devised and employed. Secret societies were formed and violent outrages were committed. As Lord Curzon himself admitted, people "protested against the partition under every accent of agony and denunciation."

But the Government was obdurate. Things became infinitely worse when Bampfylde Fuller was appointed Governor. His rule, as Bhupendranath Basu said in the Imperial Legislative Council, was "a nightmare." The press was gagged; public meetings were prohibited; the cry of *Vande mataram* was declared illegal; and Surendranath Banerjee, who was adored in Bengal, was arrested and convicted, though his conviction was set aside on appeal. Open partiality was shown to the Muslims; and, assisted by the Government, the first Muslim League was started in December, 1906, in opposition to the Congress.

Even the judiciary did not remain unaffected by the prevalent atmosphere, as shown by the verdict on three Hindus, of whom one was sentenced to be hanged and the other two to transportation for life, in a case in which riots had broken out and a Muslim killed during the visit of the Nawab of Dacca to Comilla on a pro-partition campaign while he was being entertained at the British Club by the District Magistrate and other European officers. In appeal, the High Court quashed the conviction and passed severe strictures on the judge who held the trial. The High Court pointed out that "the method of the learned judge in dealing with the testimony of the witnesses by dividing them into two classes, Hindus and Muslims, and accepting the evidence of one class and rejecting that of the other is open to severe criticism. The learned judge ought to have directed his mind solely to the evidence which had been given before him, and excluded from his consideration all preconceived sympathies with either section of the population." On the whole, said Gokhale in the course of a speech in England, "Sir Bampfylde Fuller's Government has in six months done more to discredit the character of British rule in India than have all the denunciations

of the worst critics of that rule, Indian or European, ever done during a hundred years."

Despite repression, the agitation was fruitful and in 1911 the King Emperor announced at the Delhi durbar the decision of the British Government to annul the partition. But the revolutionary spirit, generated by the agitation, became a force to be reckoned with in Indian politics. That spirit took various forms. In the hands of Arabindo Ghosh patriotism took an almost mystic form in the worship of Mother Bhawani, the Goddess of Strength. The Mother's hunger, said a periodical, Suprabhat, cannot be appeased in words only :

Blood is wanted !

Heads are wanted !

Workers are wanted !

Labour is wanted, and firm vows and bands of followers :

The Mother can no longer be worshipped with fruit and flowers."

Other leaders like Swami Vivekananda and Mrs. Annie Besant glorified India's past. India, with its heritage, was the hope of the world; if India failed, the world would sink in gloom and despair. Ranade spoke in Bombay of the need for Hindu-Muslim concord and for the removal of every obstacle in the way of spiritual and material progress. Sankaran Nair remembered even in his old age the tremendous applause which broke out when Ranade said at a public meeting in 1905 that Indians were the chosen people of God destined to dominate the world.

Sankaran Nair was out of sympathy with the tendency of many ardent patriots to mix religion and politics. He believed in constitutional agitation and set his face against fanaticism of all kinds. Even exaggerated nationalism, he thought, was a curse. He said that some of the speeches

made by the Indian extremists resembled Fichte's "Speeches to the German Nation". They were delivered to the students in Berlin in 1807 when the French were actually in occupation of the city. "Germany", said Fichte, "compared with other nations, is spirit, life and good, struggling against matter, death and evil. Let Germany but attain self-knowledge, and she will rise and overcome the world." "Substitute India for Germany in his speech", wrote Sankaran Nair, "and we have what some people have been saying in India."

Sankaran Nair was averse to extremism in words and deeds. This, however, did not tempt him to condone repression. He knew that, during the crisis provoked by the partition of Bengal and thereafter, the officials often let loose a reign of terror. Even the administration of justice became tainted, though the High Court generally safeguarded liberty within the four corners of the law. The judgment of the Chief Justice in the sensational Midnapur case in 1908 acquitting 154 persons, including Rajas, Zamindars and prominent leaders who had been accused of conspiracy to murder a District Officer and were convicted by a Sessions Judge, formed, wrote Sankaran Nair, "a terrible indictment of the system of British administration in India. Even at this distance it makes painful reading." In his memoirs, he recalls the facts of that case in order to show how far the executive was disposed to go, even interfering with the processes of law. "In the case of one accused, pressure was put upon by the police to confess but he refused to make any incriminating statements. His mother was persuaded to press him to follow the advice of the police, as otherwise their properties would be lost and his brothers and old father would be arrested. Pressure was also put upon the father by the District Magistrate and the police to persuade the

son to confess, but he resisted it. The man was removed from the under-trial ward to a separate cell of small dimensions where he was kept in solitary confinement—a form of prison treatment which is by law strictly limited even in the case of convicts and is not in accordance with rules—and in common with all who were kept in these condemned cells, as they are called, he was awaked every three hours. Even after such harsh treatment he held out. Then the threat was really carried out. His father, an old Government servant who had retired on pension, was arrested, according to the words of the District Magistrate himself, ‘at my suggestion.’ His son wept when he found that his father had been arrested. The Chief Justice found, and it is difficult to say what else he could find, that the arrest was a move towards getting from the accused the statement he had hitherto withheld. After that he confessed. The confession was recorded by a Magistrate in the presence of the District Magistrate at whose instance he was arrested. The latter intervened actively by putting and suggesting questions on the strength of documents and information with which he had been previously furnished and which were withheld from the accused.” In the High Court, however, the confession was disbelieved and the man was acquitted; and the informer put forward by the prosecution in the original proceedings was tried and sentenced for perjury.

Generally speaking, however, the higher courts were impartial in administering the law. For instance, in the case in which Arabindo Ghosh was charged with conspiracy against the Crown, he was acquitted by the judge who described him as “a man who seems to have an extraordinary hold over the affections of his countrymen. It is freely admitted for Mr. Arabindo Ghosh that his ideal is independence but the attainment of it is to be reached by

passive resistance and by educating the people to stand by themselves, and counsel for the Crown admits that there is nothing wrong in cherishing such an ideal, provided it is not sought by violent methods. Now not a single article has been pointed out to me which suggests the use of violence."

In the Viceroy's Executive Council, Sankaran Nair was in charge of mercy petitions. Almost the first case which came to his notice was one in which the death sentence had been passed in a political case on 23 persons charged with the murder of three men in Lahore. They were convicted by a special tribunal constituted ad hoc. No appeal was allowed from its decision. The Government of India was of opinion that only three of them were guilty and acquitted the rest. Amongst those ordered to be hanged, Sankaran Nair found there was a young man who did not defend himself. Sankaran Nair told a relative of his who visited him that if he would submit a memorial to Lord Hardinge setting out the true facts of the case—because his relative assured Sankaran Nair that he was innocent—Lord Hardinge would in all probability commute the sentence of death into one of transportation for life or for a long term of imprisonment. The message was conveyed to him but he sent word to Sankaran Nair thanking him but preferring death now, for, he said, "I would be reborn in a few years to fight this Satanic race, whereas after a long term of imprisonment I would be unfit to take any part in the war of independence that will soon break out." That was in 1915. In February 1931 the murderer of one Mrs. Curtis, when asked whether he wished to appeal against the sentence of death which was passed on him, put forward the same reason for not appealing; he too wished for death and re-birth to fight the English.

Such was the feeling in the country during the First World War. It rose to full pitch with the promulgation of the Rowlatt Act, one of the most draconian enactments passed by a legislature. Under that Act, a Provincial Government, on a notification by the Governor General in Council, could ask a man to notify his residence or change of residence to any specified authority, or to remain in any specified area in British India with the result that he might be called away from his business which might be utterly ruined and he would not be able to earn his living. He was not entitled to resort to any judicial court for exemption or claim compensation. He could be required to refrain from doing any act which, in the opinion of the Executive Government was calculated to obstruct the peace or was prejudicial to public safety. Such orders were not passed after any judicial enquiry and could be passed without hearing him. A public man could be asked to report himself to the police. The Government could also arrest without any warrant any person who in their opinion was concerned in any offence; they could fine him and search his house. In other words, the Executive was substituted for the Judiciary so far as security of property and safety of persons were concerned. When the Executive Government was so inclined, it could say that certain offences should be tried by a specially constituted tribunal, but without any jury, or any commitment by a magistrate, and in such locality as the Government might decide, where no competent lawyers might be available. The accused was not entitled to be defended by counsel. The trial could be in *camera*. The accused was not entitled to know before the commencement of the proceedings the charges against him so as to prepare his defence nor was he entitled to give any evidence before the court. There was no right of appeal. There was what

was called an investigating authority in some cases but the accused was not entitled to be present. The enquiry was held in *camera* and the Government was not bound to accept its findings. A specific written accusation, an open trial before the ordinary courts, not those created ad hoc, the safeguards provided by the ordinary laws of procedure and evidence, the right to be defended by a lawyer of one's choice, trial by jury, the right of appeal, and a judgment in open court, all these were got rid of by the Rowlatt Act. Thus the Rowlatt Act was a direct negation of the rule of law, which used to be one of the proud features of British rule.

CHAPTER XII

THE AMRITSAR MASSACRE AND SANKARAN NAIR'S RESIGNATION

ONE of the ironies of British Indian history is that very often reform and repression went hand in hand. The Minto-Morley Reforms synchronised with Sir Bampfylde Fuller's harsh regime in Bengal; and the Montagu-Chelmsford Reforms synchronised with the harsher regime of Sir Michael O'Dwyer in the Punjab. As already mentioned, the Rowlatt Act was passed only three days after the Government of India signed the Reforms Report. It was rushed through the Imperial Legislative Council: it was introduced on the 6th February 1919, referred to the Select Committee on the same date, the report of the Select Committee was presented to the Council on the 1st March and the Act was passed on the 18th by the official majority, all the Indian members voting against it.

When the Bill was introduced, it scarcely attracted attention. The sanction of the Secretary of State was sought by the Government of India by cable in which it was mentioned that Sir Sankaran Nair was opposed to the Bill. Madan Mohan Malaviya went to Sankaran Nair and asked him about his attitude. Sankaran Nair gave detailed reasons for his opposition to the Bill. Malaviya felt convinced that immediate action was necessary and put himself in touch with the leading newspapers. When their attention was drawn to it they all took up the matter and opposed the Bill. "Many members of the Legislative Council, including the nominees of the Government, came to me for my opinion", wrote Sankaran Nair,

"as by this time my reputation was well established in the country and they had full confidence in me. I told them my views. They made up their minds to oppose the Bill accordingly. Such was the force of the opinion in the country that scarcely any one ventured to support it. Non-official, elected and nominated members all combined to oppose it. Even the nominated non-official members from the Punjab itself for which this Bill was said to be necessary combined to oppose it. Lord Chelmsford, at a dinner on the night this Bill was discussed, told me that he had never seen Mr. Jinnah so bitter. There is a story behind it. He came to me for my opinion. I gave my opinion and reasons. He went through the evidence, (expurgated edition), that had been supplied to me and to all the other members of the Executive Council. All the evidence which should not be published had been already taken out. When afterwards Mr. Jinnah read the edition which had been supplied to him he found that the portions which I had specially marked in my copy and which I had understood to be public had also been omitted. This was without my knowledge and consent, and leave of the Executive Council had not been obtained for its omission. This made Jinnah particularly bitter and he said that if this Bill was passed there would be an agitation throughout the country to which there had been no parallel."

Unprecedented indeed was the agitation. The lead was taken by Dr. Kitchlew and Satya Pal, who addressed a public meeting on the 23rd March, 5 days after the Bill was passed, protesting against the provisions of the Rowlatt Act and praying to the Secretary of State to veto it. There was no incitement to violence; indeed they exhorted the people to remain non-violent. Mahatma Gandhi, who was beginning to emerge as the true leader

of the country, issued instructions to observe a fast; and these were read out to the people. On the 30th March, there was complete hartal in Lahore, and on the 6th April in Amritsar. The next day Sir Michael O'Dwyer made a menacing speech in the legislative council saying that "a section of agitators, who kept very much in the backward during the War when loyal citizens were helping to fight the common enemy, are now coming forward to show their valour by attacking Government and its agents and endeavouring to intimidate and coerce quiet, law-abiding people by their propaganda of so-called passive resistance. I have already said publicly that Punjab repudiated what is or was known as passive loyalty". He went on to say that "the British Government which has crushed foreign foes and quelled internal rebellion could afford to despise these agitators, but it has the duty of protecting the young and ignorant whom they may incite to mischief and crime while themselves standing aside." And he told Bhagat Ram, barrister-at-law, to remember "that there is another force greater than the soul force of Mahatma Gandhi."

On the 9th April, Sir Michael O'Dwyer issued orders for the arrest of Kitchlew and Satyapal and the arrest was carried out on the 10th. The gruesome events of the next few days, culminating in the massacre of Jallianwala Bagh on the 12th April in which, according to official estimates, 400 people were killed and more than 1,500 wounded by the troops under General Dyer, are well known and have burnt themselves into the minds of Indians and need not be repeated here.

Subsequently, Lord Hardinge told Sankaran Nair that the moment he heard that General Dyer was the hero of Amritsar, he knew that vindictiveness was the reason for the massacre. "Dyer", said Hardinge, "is an Englishman born and brought up in India—and you know what an

India-born Englishman thinks of an Indian. If I had been Viceroy then, I would have proceeded to the spot at once and called together a council of officials and non-officials and promised an enquiry." Very different was the attitude of Lord Chelmsford. He gave a free hand to the officials in the Punjab, civil and military, and they made full use of their arbitrary powers.

Sankaran Nair watched the course of events in the Punjab with increasing concern. Martial law had been introduced and in Gujranwala bombs were dropped to disperse a crowd, killing women and children. The Punjab was practically segregated from the rest of India. No newspapers were allowed into the province. The Hindu, the leading newspaper in Madras, was served with a notice to show cause why it should not be called upon to furnish a security of Rs. 2,000, because its esteemed editor, Kasturi Ranga Iyengar, presided over a meeting, at which Govardhan Das, a resident of Lahore, gave a first hand account of his experience of martial law in the Punjab. Govardhan Das was arrested in Madras on a warrant issued by the Punjab Government and tried and sentenced to three years rigorous imprisonment. Motilal Nehru was refused permission to enter the Punjab to defend the accused. So was C. F. Andrews. Sankaran Nair could not bear to remain in the Viceroy's Executive Council any longer, but he was dissuaded from resigning by Mrs. Annie Besant and other friends. C. F. Andrews also visited him and implored him to stay. Sankaran Nair suggested to Andrews that he might see Lord Chelmsford and seek his permission to visit Lahore. Andrews saw the Viceroy and reported to Sankaran Nair that Lord Chelmsford was in a state of fury, that he could scarcely restrain himself and that he asked Andrews whether Indians now realised what it meant to touch an Englishman. Sankaran

Nair felt that he could no longer remain as a colleague of such a man, but Andrews begged him not to resign until at least he returned from Lahore, which Lord Chelmsford had permitted him to visit. On his way to Lahore, Andrews was arrested at the Punjab frontier and turned out in a most ignominious fashion. He then wrote to Sankaran Nair that he was now satisfied that the time had come for him to resign.

The effects of Sankaran Nair's resignation were immediate. The censorship of the press was at once abolished. Within four days of his resignation, Sir Michael O'Dwyer announced that martial law would be terminated, and in fact it was terminated in less than a fortnight. Sankaran Nair's resignation also contributed to the appointment of a Royal Commission, presided over by Lord Hunter and including Indians and Englishmen, to investigate the disturbances in the Punjab.

Sankaran Nair left Simla for good and returned to Madras. It was an ovation all the way, the like of which had never before been seen in India. There were feasts and entertainments wherever the train stopped and crackers were fired under the wheels of the railway, so much so that there was one continuous firing for hours. In Madras he had an unforgettable reception. The scene in the Madras Railway Station is thus described by Sir C. Madhavan Nair: "His arrival in Madras was kept a secret, as he wanted it to be private; but the secret had leaked out and people knew that he would be arriving on a particular day by the morning train. From the early hours of that day, people began to gather at the Central Station. There was a huge crowd on the arrival platform of the Calcutta Mail. I was one of the crowd having gone there to receive Sir Sankaran Nair and his party. There was not an inch of vacant space in the platform.

When the train arrived, Sir Sankaran Nair was not in it. The people were disappointed. But the station authorities assured them that they had detached and detained Sir Sankaran Nair's carriage at the Basin Bridge station to avoid confusion, and that his train would come in very soon. This calmed the people. A little later, after the passengers, who had come by the Calcutta Mail train had left the platform, Sir Sankaran Nair's carriage with a few bogies attached to it was brought into the station. When the people saw Sir Sankaran Nair in his carriage, hearty greetings of welcome, 'LONG LIVE SANKARAN NAIR, LONG LIVE SANKARAN NAIR', were heard from every quarter of the station. The people's enthusiasm was unbounded. It can better be imagined than described. When Sir Sankaran Nair stepped out from his carriage on to the platform, he was profusely garlanded. An admiring crowd gathered round him with the repeated cries of 'VANDHE MATHARAM, VANDHE MATHARAM, LONG LIVE SANKARAN NAIR, LONG LIVE SANKARAN NAIR.' The spontaneity of the people's welcome was evident. That hour was, I think, the most glorious and golden hour of Sir Sankaran Nair's life. His star never shone brighter."

CHAPTER XIII

THE AFTERMATH OF THE AMRITSAR MASSACRE

A FEW weeks after Sankaran Nair resigned from the Viceroy's Council, he left for England. Public opinion in India was puzzled; people had hoped that he would now plunge into the national movement, led by Mahatma Gandhi. They were even more puzzled when they learned that he had accepted a seat, offered to him by Montagu, in the Council of the Secretary of State. The events in the Punjab had widened the gulf between reformists and revolutionaries, between loyalists and patriots. The time was coming when loyalty to the British Crown was regarded as incompatible with patriotism.

But Sankaran Nair knew that he had work to do in England, work which he alone could do. He could and would rouse British public opinion to the enormity of the happenings in the Punjab. His word would count more than that of anyone else, as that of one who was in the citadel of the Government of India when these events happened. He still had faith in the latent liberalism of the British people; he knew that once their eyes were opened there would be an outcry against the un-British acts committed in the Punjab. "I was determined", says Sankaran Nair in his memoirs, "that if I could possibly manage it there would be no Jallianwalabagh again in India."

Sankaran Nair sailed for England on *S.S. Kaiser-i Hind*. On board the ship were Justice Mullick and Justice Fletcher of the Calcutta High Court and the Bishop of Lahore. In their hearing, a Major General of

the Indian Army said that the British had taught Indians a lesson which they would not forget for a hundred years. Sankaran Nair replied that in six months he and men like him would be wishing that India and the world would forget it all. But the people of the Punjab, said Sankaran Nair, would never forget the martial law regime and the Sikhs would perpetuate the memory of Jallianwala Bagh in one form or other. Shocked, the Bishop of Lahore said to Justice Mullick that Sankaran Nair should not have spoken in that strain.

A few days after Sankaran Nair reached London, the evidence given by Gen. Dyer before the Hunter Commission was published. In the National Liberal Club, where Sankaran Nair always stayed, he had a talk with Rt. Hon. John M. Robertson, who was acting as editor of the *Westminster Gazette* in the place of Spender who had gone to Egypt. Asked about the events in the Punjab, Sankaran Nair asked Robertson to take special notice of the evidence of Gen. Dyer, in the course of which he had admitted, and taken pride in, the fact that he had used force, not simply to meet a local emergency but in order to produce a moral effect throughout the Punjab. The next day there appeared in the *Westminster Gazette* a leading article called "The Amritsar Massacre", which created a sensation in England. The *Times* and other papers followed suit. What had been regarded as the suppression of a riot now became what it really was, a massacre. "I knew I had won", wrote Sankaran Nair. "Worse things had happened under British rule, but I am glad I was able to obtain publicity for this one at least."

One of the questions which came up before the Secretary of State's Council when Sankaran Nair was a Member related to the Indian contribution to the war expendi-

ture. It has already been mentioned elsewhere in this book that India was obliged to pay a sum of 100 million pounds, in spite of the fact that the Finance Member, Sir William Meyer, himself thought the maximum contribution which India could afford to pay was 50 million pounds. Now, Britain claimed an additional 70 million pounds from India on account of the expenditure on Indian soldiers in various theatres of war. To this Sankaran Nair strongly demurred. He said that he would claim, as a set-off, the huge profits which the British Government had made on the sale of Indian rice. During the war, the Government had commandeered rice and bought it at a fixed price. It was sold at huge profit to the Allies mostly in Salonica and the Near East and the profits were appropriated by the British Government and not even shared with the Government of India. It was often said that British casualties were higher than Indian, but Sankaran Nair pointed out that India's sacrifices were greater. Owing to the compulsory purchase of rice by the Government there was a shortage of rice; and owing to massive and not always voluntary recruitment in the Punjab, there was a shortage of men to cultivate the fields. There was a shortage of doctors too, as many had gone to the front. All this affected the Indian's resistance to disease; and in the Punjab alone two million people died of plague. As a result of Sankaran Nair's stand India's contribution was eventually settled at 13 million pounds.

The two burning questions which came up before the Secretary of State's Council were the Punjab disturbances and the Khilafat question. Sankaran Nair insisted that the British Government should condemn the outrages committed by Gen. Dyer and others in the Punjab in no

uncertain terms and wrote a minute to that effect. Montagu submitted it to the Cabinet. He told Sankaran Nair that his views had a profound effect on the members of the Government; the only reason why the Government could not go further than they did in condemning those outrages was that they were at that very moment taking in Ireland the kind of action which the Government of India had taken in India. However, the orders passed by the Cabinet on the 26th May 1920, criticizing the conduct of Gen. Dyer, went much further than the despatch of the Government of India. The Cabinet clearly stated that the force employed by Gen. Dyer was greatly in excess of what was required to disperse the crowd and resulted in "lamentable and unnecessary loss of life and suffering," that he was not entitled to inflict drastic punishment on a mob which had committed no act of violence and had made no attempt to oppose him by force, that the omission to give warning before fire was opened was inexcusable and that the failure to give medical assistance to the dying and the wounded was deplorable.

There was a memorable debate in the House of Commons on the events in the Punjab, in the course of which Churchill made a memorable speech. He condemned the notorious "crawling order", under which Indians crossing the road on the spot where a couple of Englishmen had been murdered, were made to crawl, as "violating every canon of civilization." "One tremendous fact", said Churchill, "stands out: I mean the slaughter of nearly 400 persons and the wounding of probably three or four times as many, at Jallianwala Bagh on the 13th April. That is an episode which appears to me to be without precedent or parallel in the modern history of British Empire. It is an event of an entirely different order from any of those tragical occurrences which take

place when troops are brought into collision with the civil population. It is an extraordinary event, a monstrous event, an event which stands in singular and sinister isolation." Referring to "the frightfulness", in which Gen. Dyer indulged, Churchill said : "What I mean by frightfulness is inflicting of great slaughter or massacre upon a particular crowd of people, with the intention of terrorising not merely the rest of the crowd but the whole district or the whole country." "Frightfulness", he went on, "is not a remedy known to the British pharmacopia."

The debate in the House of Lords on the 20th July, however, exonerating Gen. Dyer, nullified much of the effect of the debate in the House of Commons. On the 20th August, the Treaty of Sevres was signed. In the meantime, public opinion in India was getting more and more excited. It now had an additional grievance in respect of the British Government's treatment of the Caliph. Mahatma Gandhi fused all the grievances together and launched a tremendous agitation against the Government of India. In a letter to the Viceroy, he said that "events have happened during the past month which have confirmed me in the opinion that the Imperial Government have acted in the Khilafat matter in an unscrupulous, immoral and unjust manner, and have been moving from wrong to wrong to defend their immorality. I can retain neither respect nor affection for such a Government." Soon after, in September 1920, at a special session of the Indian National Congress in Calcutta, the famous resolution on "launching progressive, non-violent, non-co-operation" was passed, primarily in order to redress the wrongs done in the Punjab and to the Caliph. The Congress recommended the following steps to be taken :—

- (a) Surrender of titles and honorary offices and resignation from nominated seats in the local bodies;
- (b) Refusal to attend Government Levees, D Durbars and

other official and semi-official functions held by Government officials or in their honour;

- (c) Gradual withdrawal of children from schools and colleges, owned, aided or controlled by Government, and in place of such schools and colleges the establishment of National schools and colleges in the various Provinces;
- (d) Gradual boycott of British Courts by lawyers and litigants and establishment of private arbitration courts by their aid for the settlement of private disputes;
- (e) Refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia;
- (f) Withdrawal by candidates of their candidature for election to the Reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress, advice, offer himself for election; and
- (g) The boycott of foreign goods.

Sankaran Nair was not in sympathy with the non-co-operation movement; he feared that non-violent as it was hoped to be, it might lead to lawlessness. Nor was he in sympathy with the Khilafat movement. He felt that the Congress support of the Caliph ignored the realities of the situation. The Congress' demand was that Turkey should be left as it was before the War, with sufficient guarantees for the non-Turkish and non-Muslim races living in the Turkish empire. But Sankaran Nair knew that it was impossible for England to put Arabia, or other places inhabited by the Arabs, again under Turkey, even if she wished to do so. The principle of self-determination was to be applied to Arabia, Armenia, Mesopotamia, Syria and Palestine. The British, however, had given their word that they were "not fighting to deprive Turkey of its capital or of the renowned lands of Asia Minor and Thrace which are predominantly Turkish in

race." The Treaty of Sevres was certainly not in conformity with the assurance given to Turkey, but England was but one of the parties to the Treaty. In any case, the Treaty was soon overtaken by events. War broke out between Greece and Turkey and ended in Turkey's favour; and England, together with France and Italy, recognised Turkey's claim to Asia Minor and Thrace. The claim to Constantinople had already been recognised :

Sankaran Nair was genuinely afraid of the subversive forces generated by the non-co-operation movement and the Khilafat agitation. To use his own words, "As this non-co-operation movement would not be able to restrain the passions of man and retain its non-violent character, and as it was working in company with Khilafat fanaticism, it was reasonably certain that lamentable consequences would follow." Sankaran Nair felt that his work now lay in India. He, therefore, resigned from the Secretary of State's Council and returned to India in early 1921.

CHAPTER XIV

O'DWYER VERSUS NAIR

SANKARAN NAIR returned to India at the beginning of 1921. Soon after his arrival, he accepted an invitation to a Conference of political leaders in Bombay which, it was hoped, would lead to a Round Table Conference with the Viceroy for the release of political prisoners and the easing of the political situation in India.

Mahatma Gandhi dominated the Conference. The key-note of his speech was that Government should show penitence for its recent conduct in a concrete manner. He insisted that all Congress and Khilafat workers, arrested and convicted, should be released and that the proposals contained in the report of a committee, which had been appointed by the Congress to investigate the events in the Punjab, should be fully accepted. These proposals included not only the punishment of officials responsible for the atrocities in the Punjab but the deprivation of the pensions of Sir Michael O'Dwyer, General Dyer etc. As for the Khilafat demands, the French should leave Syria and the British should leave Egypt. As for Swaraj, Mahatma Gandhi demanded nothing less than the immediate grant of full dominion status. He emphasised again and again that these were the minimum prerequisites for a Round Table Conference. He was prepared to go to a Conference, if he was invited, without any pre-conditions, but he would go in his personal capacity and not in his representative character. He himself did not believe that the time had come for a Conference, as there had not been enough opportunity for the people to acquire or exercise control. He

was prepared to cease picketing, boycott, hartal and civil disobedience up to the 31st July provided the Government would agree to hold a Conference on the conditions stated by him. Even during this period he would insist upon his freedom to make all active and intensive preparations for launching civil disobedience in case a satisfactory settlement was not reached. "You dare not declare martial law", he told the Government of India, "however far we go."

This was the kind of talk which had not been heard in India so far. Sankaran Nair thought that Gandhiji's 'minimum terms' were totally impracticable and that it was useless to continue the Conference under these circumstances. He, therefore, left the meeting and issued a manifesto denouncing the civil disobedience campaign. He feared that Gandhiji was leading India into anarchy. Gandhiji himself suspended the non-co-operation movement after the outrage in Chauri Chaura in which 21 policemen were killed.

Another event seemed to lend even greater confirmation to Sankaran Nair's prognostications, and that was the Mopla rising in Malabar. He connected it directly with the Khilafat movement. On his return to Madras from London he learned that the Ali brothers were intending to visit Malabar, which was then a part of the Madras State. He put himself into touch with Lord Willingdon, the Governor, and pointed out that it would be most unwise to let them go to Malabar. Lord Willingdon agreed, but was overruled by the Government of India. The Ali brothers went to Malabar and inflamed the feelings of the Muslims by dilating on the affront done to Islam by the British Government. At a Conference at Erode in April 1921, attended by 5,000 Muslim divines and other eminent persons, Mohamed Ali said that if the Afghans were to

invade India in order to wage a *jehad* or holy war, the Indian Muslims would side with the invaders. Finally, at a largely attended Khilafat Conference held at Karachi on the 18th July, the following resolutions were passed :

"The meeting of the All India Khilafat Conference declared the allegiance of the Muslim population to his Majesty the Sultan of Turkey, the Commander of the Faithful, and gives him an assurance that they would not rest content until they have secured complete fulfilment of the Khilafat demand.

"In addition this meeting clearly proclaims that it is in every way religiously unlawful for a Mohammadan at the present moment to continue in the British Army or to induce others to join the army and it is the duty of all Mussalmans in general and the Ulemas in particular to see that these religious commandments are brought home to every Muslim in the Army.

"Furthermore, this meeting also announces that if the British Government were to take any military measures against the Ankara Government, directly or indirectly, openly or secretly, then the Mussalmans of India will be compelled to commence the breaking of laws, that is, civil disobedience, with the concurrence of the Congress and to proclaim the complete independence of India and the establishment of a Republic of the Government of India."

It was at this juncture that the Prince of Wales paid his visit to India. The visit was boycotted by the people and was accompanied and followed by riots and disorders in various parts of India. The worst of these was the rising of the Moplas in Malabar, and it turned out to be the most difficult to quell. It must have reminded Sankaran Nair of the stories, which used to be still current in his childhood, regarding the invasion of Tipu Sultan, as a result of which the number of Nair families in the Man-kara taluk was reduced from 99 to 2.

Sankaran Nair now set out to counteract the 'mischiefs' of the civil disobedience campaign which, in his view, had already produced calamitous results. He addressed a

number of meetings and wrote a book called "Gandhi and Anarchy", in which he dwelt, among other things, on the outrages committed by the Moplas and criticized the weakness shown by the Government of India in dealing with the rebellion.

The book had an unexpected sequel. In the book he referred not only to the outrages committed by the Moplas in Malabar but to those committed by the authorities in the Punjab. "Before the reforms", he wrote, "it was in the power of the Lieutenant Governor, a single individual, to commit the atrocities in the Punjab, as we only know too well." Sir Michael O'Dwyer threatened to sue Sankaran Nair for libel on the strength of this and similar passages in the book and demanded an apology. Sankaran Nair refused to offer an apology and Sir Michael O'Dwyer instituted proceedings in the King's Bench Division in England to vindicate his reputation. Sankaran Nair pleaded justification in support of his statement and also raised the plea of fair and bonafide comment. He further pleaded that on the 13th April, 1919 General Dyer committed an atrocity by ordering the shooting of innocent persons at Jallianwala Bagh and that Michael O'Dwyer "caused or was responsible for the commission of that atrocity." Thus the conduct of General Dyer became one of the central issues of the case.

Sankaran Nair entrusted his case to Patrick Hastings, one of the leading barristers in England. When the Labour Government came to power, however, Hastings became Attorney General and was unable to appear for him. Thereupon, the case was entrusted to Sir John Simon. Simon went through the evidence and said that it was damaging against Michael O'Dwyer and that if all that happened was going to be published there would be a furore in England. On the day before the trial was due

to take place, however, Sankaran Nair received a telegram from Sir John Simon from Paris expressing his inability to conduct the case. Sankaran Nair felt that he was badly let down. Thereupon he engaged Sir Walter Schwabe, a former Chief Justice of the Madras High Court. Schwabe accepted the engagement on condition that he was given the same fee as Simon. Unfortunately, Schwabe did not prove very effective. Justice Mc Cardie, the judge who tried the case, bullied Schwabe from the outset. Mc Cardie would not have dared to bully Sir John Simon or Sir Patrick Hastings.

The case came up on the 30th April, 1924 and lasted for about 5 weeks before Justice Mc Cardie and a special jury of 12. The Judge put two questions to the jury, namely (a) whether General Dyer's conduct was an atrocity and (b) If yes, was the plaintiff responsible for that atrocity. By a majority of 11 to 1 the Jury found that General Dyer's conduct was not an atrocity. The judge then found Sankaran Nair guilty of libel. The one dissenting jurymen was none other than Prof. Harold Laski.

Since the verdict of the jury was divided, it was open to Sankaran Nair not to accept it, in which case a fresh trial would have been ordered. His lawyers advised him not to accept the verdict but to appeal on the ground of the judge's misdirection to the jury. Sankaran Nair was not prepared for a fresh trial. "Who knows", he said, "what another twelve English shop-keepers would think." "But what about your reputation?", asked the lawyers. "If all the judges of the King's Bench together were to hold me guilty", said Sankaran Nair, "still my reputation would not suffer."

Sankaran Nair expressed his readiness to accept the verdict on payment of 500 pounds as damages. The plaintiff said that he would forgo damages and costs if an

apology was tendered. This Sankaran Nair refused point-blank. 500 pounds were paid as damages; and the costs came to 7,000 pounds.

The case created a great sensation in England. The aftermath of the case was even more remarkable. Some of Justice Mc Cardie's observations in the course of his address to the jury lent themselves to severe criticism and raised the whole question of the relations between the executive and the judiciary. For instance, Mc Cardie, dissenting from the decision of the Cabinet, declared roundly that General Dyer had been wrongly punished. The admitted fact that General Dyer went on firing after the crowd had begun to disperse and that the firing went beyond the necessity of the situation and caused lamentable loss of life and suffering was passed over by Mc Cardie. He accepted General Dyer's plea that it was necessary to punish the mob in order to produce a moral effect throughout the Punjab. This theory that a military or police officer, in dispersing an unlawful assembly, was entitled to take into account the situation prevailing elsewhere was wholly contrary to English law.

Some other remarks made by Justice Mc Cardie were also unjustified. Referring to the bombing in Gujranwala, he said: "when it is necessary to repress anarchy and such like, I myself can see no distinction in principle between the bludgeon stick of a policeman, the rifle of a soldier and the use of a machinegun from an aeroplane." This statement, too, as the British Government said subsequently, was contrary to the instructions which it had issued regarding the use of aeroplanes to quell civil disturbances. The principle laid down by Government was that army aircraft was not to be used in any emergency except under orders issued in writing by a civil authority and that only a limited amount of bombing and machine-

gun fire should be used on mobs actually engaged in crimes of violence. It was admitted that the crowd bombed in Gujranwala was not engaged in any crimes of violence.

In Parliament, George Lansbury, M.P., raised the question of Mc Cardie's conduct in this case. He asked the Prime Minister whether the Government would grant time for a discussion of a motion to the effect, "That a humble address be presented to His Majesty praying that he will cause the removal from the Bench of the High Court of Judicature in England of Mr. Justice Mc Cardie on the ground that he is unfit to carry out the judicial duties attaching to his high office."

The Prime Minister, Ramsay Macdonald, replied: "I have come to the conclusion that a discussion on this subject would only add to the harm that has been done in India by the words complained of. However unfortunate the words have been, they clearly do not constitute the kind of fault amounting to a moral delinquency which constitutionally justifies an address as proposed. It ought in fairness to be borne in mind that the objectionable passages occurred not in a considered written judgment, but in an oral charge to a jury, delivered at the conclusion of the lengthened and somewhat heated trial, and the very words in which it was couched show that the learned judge was not informed as to what took place. As I have already stated, His Majesty's Government completely associates with the decision of the Government of the day. His Majesty's Government will always uphold the right of the judiciary to pass judgment, even on the executive, if it thinks fit, but that being the right of the judiciary, it is all the more necessary that it should guard against pronouncements upon issues involving grave political consequences, which are not themselves being tried."

Many newspapers, too, severely criticised Justice Mc Cardie's conduct of the case. Among the critics were such renowned men as A. G. Gardiner, Massingham, editor of the Nation; and C. P. Scott, editor of the Manchester Guardian. Articles also appeared in the Daily News, the Daily Chronicle and other newspapers, criticising Justice Mc Cardie for his un-judicial comments. The following extracts will show how British newspapers reacted to the trial:

"The tragic truth is that his (Dyer's) sanguinary blunder has created a revolution in the Punjab, and not in our favour. The Amritsar massacre had already become to many natives of the Punjab what the Black Hole of Calcutta was to most Englishmen during the Mutiny. They feel it to be crying out to them to avenge an abomination."

"The events that serve great Empires and mar them have often enough been trivial or perverse; but we may well wonder whether at any epoch a more reckless proceeding than this has been permitted to a public servant freed from the responsibilities of office. It must remain a mystery why a Conservative Secretary of State was unable to restrain a retired Lieutenant Governor from instituting and going on with a suit which, whatever the results, could not fail to be an imperial calamity."

"Nothing, when once the hearing had begun, could prevent the O'Dwyer case from becoming a first class political trial. If 'terrorism' and 'atrocities' become matter of evidence and argument in Court, the effect cannot be arrested. The ruler may be personally vindicated; but what of the broadcasting of the accounts of the methods employed in the Punjab during two years of wartime rule, with and without the assistance of martial law? British officers of standing, civil and military, described the sys-

tem of 'compulsory voluntarism' in recruiting, the enforced *salaming* by Indians, the public floggings, the crawling order, the wholesale jailing of Indian intelligentsia, the extraordinary expedient of keeping students on the march in the heat of a Punjab April for 16 miles a day. We must face the fact that the verdict of the special Jury will, in the minds of millions in India, tend to establish the truth of Gandhi's repeated assertion that justice for India cannot be obtained from an alien Government or law court."

"The shooting at Amritsar was the crowning horror of a long course of lawless violence, a horror inexcusable even on the plea of necessity in a Province where nine men in ten were loyal. To fire without warning on an unarmed crowd which had as yet committed no overt violence, and to continue to fire as the crowd struggled to escape from the enclosed place, these were acts for which there is only one word in plain English, and that name is held to be libellous."

In his book, 'India As I See It', Sir Michael O'Dwyer gloated over the decision of the court in a chapter called 'British Justice'. Millions of Indians, however, got a very different notion of 'British Justice' from the verdict, and even more, from Justice Mc Cardie's summing up and *obiter dicta*.

Sankaran Nair was staying with me in Ceylon in 1933 when the news came that Justice Mc Cardie had committed suicide in a fit of depression following an attack of influenza. Sankaran Nair said: "These Westerners lack faith. They have no faith in a future life or even in God. That is why they do not mind putting an end to their lives when they are faced with a little suffering." There was sadness in what he said, and not a trace of bitterness.

CHAPTER XV

LAST YEARS

SANKARAN NAIR returned to India in the middle of 1924, having lost the case brought against him by Sir Michael O'Dwyer. He had no regrets. It cost him a pretty penny, but it had served a useful purpose. The ghastly happenings in the Punjab could not have got more effective publicity than through the deposition of influential witnesses in open court. Thus, this case, too, enabled him to fulfil his vow that there should not be another Jallianwala Bagh.

Sankaran Nair was now 67. He was destined to live for another ten years. The events of this period need not detain us long. His work was done; he had now become a back number. In the full effulgence of Gandhiji's ascendancy in the public life, anyone who differed from him was bound to become a back number. That was the fate of Mrs. Annie Besant too. "A politician", said Sankaran Nair to me once, "must not expect to enjoy the fruits of his labours. Had it not been for me, the reformed Councils would not have come into existence, at any rate in their present form. And yet, the Congress would not even give a constituency for me to get into them. I am a reactionary, because I crossed Gandhi's path."

Sankaran Nair sought election to the Council of State from the landholders' constituency in Malabar and was returned. When his term was over he was nominated to the Council of State. There he did not conduct himself as a back number; he was certainly not a back bencher. "The old bear on the hill" could still bare his teeth both

at the Government and the Congress. In March 1926, he moved a resolution for the creation of a self-governing Tamil-speaking province, consisting of ten compactly situated districts in the Madras Presidency. "This resolution raises the problem of provincial autonomy in its most extreme form", said Crerar, Home Member; and that indeed was Sankaran Nair's object. The government of India opposed the resolution and, with that majority which it could always command, had it negatived on the ground that, if allowed, it would create an *imperium in imperio*.

In March, 1927, Sankaran Nair moved a resolution "recommending to the Governor General in Council that no further political progress should be undertaken in India until the system of communal electorates is abolished." Sankaran Nair's objective was not to obstruct political progress but to goad the Hindus and Muslims to get together. One of his lasting regrets was that when he was Member of the Viceroy's Council, he acquiesced in communal representation. If he had opposed it strongly, communal electorates might have been abandoned, in view of the strong position which he held in the country and the weight which his views carried with Montagu, who himself entertained grave doubts regarding the wisdom of introducing communal electorates. But these electorates were part of the Lucknow Pact between the Congress and the Muslim League; and it was difficult for anyone to oppose them.

As a nominated member, Sankaran Nair was not altogether happy. He felt that the position of a nominated member was galling. He, like other nominated members, began to get requests from government whips to vote on the side of the government, or not to fail to be present at such and such a debate, etc. Sankaran Nair was not used to this; he was the last man who could be 'whip-

ped' into anything. There was of course nothing to prevent him from voting against the government even as a nominated member, but his position became increasingly embarrassing and he resigned from the Council of State in 1932.

In the meantime, a Royal Commission, with Sir John Simon at its head, was appointed to examine the working of the Montagu-Chelmsford Reforms and to consider what further steps should be taken to advance self-government. There was an indignant outcry against the appointment of this all-white Commission to report on India's fitness for home rule. It was denounced as a slur on India's self-respect and was boycotted by the Congress. The British Government then decided to appoint, side by side with the Commission, an Indian Central Committee of six members, nominated from the Council of State and the Assembly. And Sankaran Nair, with his peculiar knack for defying public opinion from time to time, accepted its chairmanship.

Sankaran Nair had a high regard for Sir John Simon's intellect but not for his vision or imagination. He once told me that Simon was good at analysing facts but hopeless at gauging feelings. He always saw the government's point of view rather than the people's. As Chairman of the Royal Commission on reforms, he was too omniscient to consult the Central Committee. He, however, was a vain individual and felt that if the Commission submitted a divided report it would be derogatory to his prestige. He therefore was anxious to carry the two Labour Members of the Commission with him. But for their stand Simon would not have recommended even provincial autonomy. The two Labour Members, and especially Hartshorne, used to consult Sankaran Nair frequently, and through them he influenced the Commission.

Sankaran Nair told me of an incident which showed how vain Simon was. This incident was related to him by Major General J. H. Morgon who was junior to Sullivan in the famous trial of Sir Roger Casement. A well-known painter made a picture of the trial scene. In the original picture Simon was not to be seen in the front bench, but later the picture appeared with Simon prominently there. Morgan asked the painter why Simon was shown on the front bench. "Because", he replied, "Sir John assured me that he was there." In fact, he was not there at all; he had been asked to appear in the trial but declined.

The Central Committee submitted its report in December, 1929. "It cannot be too strongly insisted upon", said Sankaran Nair, "that the Simon Commission did not arrive at its conclusions after consultation with the Indian Committee." Though he himself had not favoured the boycott of the Commission he referred to its significance in these terms :

"Indian political leaders will not delegate their responsibility for framing the future constitution to Englishmen. The destiny of India is in Indian hands, not in the hands of Englishmen. Failure to realise this may lead to a conflagration which will involve untold misery to India, England and the world."

Sankaran Nair made out a strong case for a scheme of self-government to be left to be framed by Indians themselves :

"The claim of India that she, without any Englishmen, should be allowed to formulate a scheme of self-government rests, among others, on two important grounds : India is in almost every respect so different from England that it is scarcely possible for Englishmen to put forward any real scheme of self-government that would be beneficial and

would attain its purpose. We are satisfied from what we have witnessed that many, if not all, experiments made hitherto have resulted in disaster to the people of India."

Under the guidance of Sankaran Nair, the Central Committee asked for an explicit declaration on the part of the British Parliament that full dominion status for India was the goal at which it aimed. It demanded, further, that immediate and substantial steps should be taken towards the attainment of the goal by conferring full autonomy on the provinces and by making the Government of India responsible to its Legislature in accordance with its detailed recommendations. Lastly, "we demand", said the report, "that provision should be made in the Government of India Act which will enable the above goal to be reached without the necessity for further enquiries by a Statutory Commission or other agency."

It is unnecessary to go in greater detail into its recommendations, because its report, as well as the report of the Simon Commission, was soon overtaken by events in India, of which the momentum was set by Mahatma Gandhi.

There followed three Round Table Conferences on Indian constitutional reforms in England. Sankaran Nair was invited to take part in them but declined. "I do not want to assist in the funeral of Indian nationalism," he said. The White Paper which was published as a result of these Conferences filled him with despondency. He felt that the proposed federation of Princely States and Provinces would perpetuate British rule in India. He also resented the proposed safeguards to be exercised by the Viceroy. Lord Irwin had said that these safeguards would be "in the interests of India", but in the White Paper they were declared to have been necessary "in the common interests of India and the United Kingdom." The phrase, Dominion Status, was scrupulously avoided.

Sankaran Nair felt that Ramsay Macdonald, the Prime Minister, had let India down badly. Macdonald refused to have Col. Wedgewood as Under Secretary of State for India because his views were too radical. Macdonald had no personality and was incapable of asserting himself.

What distressed Sankaran Nair most in the evening of his life was the alarming growth of the canker of communalism. When he stayed with us in Ceylon in 1933, he was distressed to see that it had spread to that country too. I recall a luncheon party given to him in Mount Ocarinia by I. X. Pereira, Perisundaran and some other Indians. Sankaran Nair was not a man for small talk. For three hours he did not say a word. "What are your impressions about Ceylon?", asked Pereira. "Hm", grunted Sankaran Nair. Conversation then turned to the sensational divorce case of Mrs. Aserappa, reports of which had appeared in the papers that morning. Sankaran Nair showed that he was bored. At last, at 2.30, Pereira referred to the Donoughmore Constitutional Reforms which had been just introduced in Ceylon. Sankaran Nair expressed his views forcibly and eloquently. "This will not lead you to responsible government", he said. "But isn't it useful for us, minorities?", asked Pereira. "Your minorities be d—d", said Sankaran Nair. "India has suffered from the claims of minorities. I am ashamed to say that I was myself a party to the Lucknow Pact introducing communal electorates because I thought that that was the only way of bringing round the Muslims to the national cause. But if I had foreseen its consequences I would never have agreed to the Pact. The only way in which you can have responsible government is by having a Chief Minister who can choose his own colleagues. Otherwise how can he govern effectively?" "But mustn't

we (Indians) have some safeguards?" asked I.X. "None whatever", said Sankaran Nair. "If you ask for safeguards, it means you do not trust each other. It means that you are not fit for responsible government."

Sankaran Nair always called a spade a spade. He never attempted to adapt his manners to the company he was in. Once, Sir Laloobhoy Samaldas, a Member of the Executive Council of the Governor of Bombay, while speaking to Sir Edward Maclagan, the Governor of the Punjab, who had been Sankaran Nair's Secretary, told him that he must have found Sankaran Nair's manners rather brusque. Sir Edward kept a diplomatic silence. "Brusquey!", burst out Lady Maclagan, "he has no manners at all, good, bad or indifferent!" When Sir Laloobhoy recalled this incident some years later, Sankaran Nair said: "And yet she made a charming hostess. She acted as hostess at all my official parties in Delhi and Simla as my wife was bedridden for most of the time."

Sankaran Nair was unable to get over his distress at Mahatma Gandhi's methods till the end of his life. Sankaran Nair thought that Gandhiji was needlessly alarming the British Government; and this enabled the Government to forestall him. It was a mistake on the part of Gandhiji to have held out the threat of repudiation of public debts by India. The result of this threat was that stringent financial safeguards were included in the White Paper. To be forewarned was to be forearmed, and the British Government armed themselves with extraordinary powers. "Who but an imbecile", said Sankaran Nair, "would disclose his plan of operation to the enemy?" The fact is that Gandhiji believed in open warfare with the British Government; Sankaran Nair, in tactical warfare. Sankaran Nair, however, recognised that Gandhiji was a world figure. "Thanks to him", he said, "India has become a

world problem; that is his greatest contribution. In fact, in every field other than politics his services have been invaluable."

Sankaran Nair spent the last summer of his life with us in Ceylon. He was then 76. I was astonished at his physical and mental energy. The reason is that he never allowed his mind or body to rust. "By temperament", said Sir Alladi Krishnaswami Iyer, the Advocate General of Madras, "he (Sankaran Nair) could never be idle. His life in many respects is a great object lesson to many of us who are young at the Bar. I used to see him at the Club and not a minute would he be idle. He would be busy poring over every conceivable journal,—literary, political and sociological. After finishing his work in the Club he would go to the beach and have his walk. Both in point of maintaining his physique and sustaining his literary energy and work, he is a great lesson to most of us."

Sankaran Nair had a most striking personality. It is difficult to say what exactly constitutes a man's personality. It is more easily sensed than defined. Oliver Goldsmith said that you had only to see Dr. Johnson casually taking shelter from the rain under a tree in order to know that you were in the presence of a great man. Most people had a similar sensation in the presence of Sankaran Nair.

It is hard to define personality, because it is a blend of physical, mental and spiritual attributes. Physically Sankaran Nair was most impressive. Almost 6 feet tall,

With Atlantean shoulders fit to bear

The weight of mightiest monarchies,

he looked an Aryan of Aryans in the Dravidian south. Wherever he was, whether in the house or in the secretariat, in the courts or at a public meeting, he bore himself with imperturbable dignity. Nothing ever ruffled him. A contemporary of his, G. P. Pillai, known as "the father

of political agitation in Travancore" and a secretary of the Indian National Congress, has left a pen-portrait of forty-year old Sankaran Nair in 1898 :

"Mr. C. Sankaran Nair is about as fine a specimen of India's fighting races as could be met with. He is as fit to command the Nair Brigade as he is to preside over the Congress assembly. He possesses two qualities which ought to win him distinction on the battlefield as he won distinction in the Congress pavilion—coolness and courage. The Congress is in an uproar. In one corner there is confusion worse confounded—seats tumbling, men falling, some swearing, others crying at the top of their voice, fiercely gesticulating. There is a general disturbance and all Congressmen are unconsciously thrown on their feet. They look on with anxiety; they query with impatience. But one man has scarcely turned in his seat; he sits cool and collected, and that is Mr. Sankaran Nair. He is a radical of radicals; all the same he impresses one as a 'sober politician'. He seldom speaks, and when words run high and there is a heated discussion, he is silent, impenetrably silent."

How assiduously Sankaran Nair kept his body, mind and spirit burnished right up to the end of his life, I realised when he was staying with us in Kandy barely a year before he died. Here was a normal day's routine : He would be up at 4.30 A.M. After a cup of tea, he would take his yoga exercises, including *shirshasan* (standing on the head). Then he would have his bath and meditate for an hour. Breakfast would be at 8. By that time the morning papers would have arrived and he would read them. He was also a regular reader of the Times (London) and some leading English magazines. He would then spend a few minutes with the children, and our twin boys would amuse him by

doing somersaults. At 10, a Buddhist priest would come, and Sankaran Nair would learn Pali with him for a couple of hours. He had always been attracted by Buddhism, and now, in his 76th year, he began to learn Pali so as to be able to read the teachings of the Buddha in the original. He would have his lunch at 12.30. We, forty years younger than him, would have our afternoon rest. Not he; he had a contempt for siesta. He would spend the afternoon doing exercises in Pali grammar and syntax as diligently as any school-boy or writing his memoirs or articles on the latest political developments. He was greatly distressed by them—the inane and unending Round Table Conferences, the rampant growth of communalism, the increasing chasm between the Congress and the Muslim League, the systematic encouragement of the reactionary elements by the Government and the handle which the Congress, with what he regarded as the negative policy of non-co-operation, was unwittingly giving them. At 4.30 he would have his afternoon tea, and then go for a brisk walk around the beautiful lake in Kandy; and it took all I was worth to keep pace with him. On returning home, he would put a little oil on his head—twice a week, he would anoint his body as well, for he believed in the efficacy of oil baths—and we both would sit under the dooriyan tree in front of our house; and I would persuade him to recall the more interesting experiences of his life, some of which I have related in this book. Dinner was at 8, not a minute earlier or later, for he set great store by punctuality. Then someone would read out slokas from the Gita and by 9.30 he would be fast asleep. He needed no alarm clock by his side, for he would wake up punctually at 4.30 the next morning.

Sankaran Nair was always an early riser—summer or winter, whether in London or in Delhi he would rise at the appointed hour and have a cup of tea. When he was

in London in 1922 as Member of the Secretary of State's Council, he found it difficult to get the services of a maid who would rise so early and bring him tea. Moreover, his was a very puritan household. No one drank or smoked and the maid too was required to conform to these taboos. Eventually an elderly Quaker maid was found with the requisite qualifications. On the second day after her appointment, she took the morning tea upstairs to Sankaran Nair's room at 4.30 and found, to her horror, a huge man, all but naked, standing on his head. She thought he had gone mad, dropped the tea-tray and ran downstairs and woke up the family. Sankaran Nair was taking his yoga exercises.

Sankaran Nair was a confirmed believer in yoga. Two or three years before he died, he began to develop, on his forehead, near his eyes, a tumour which grew larger and larger. The doctors had told him that an operation was indicated, but that it was not altogether free from danger as the area to be operated on was touching the brain. A yogi, however, advised him to take certain yogic exercises, concentrating his attention on his forehead; and the tumour became smaller and smaller and eventually disappeared.

Thanks to yoga, regular exercise and abstemious habits, Sankaran Nair enjoyed robust health to the end of his life. Robust, too, is the adjective which best describes his mind. His was not a particularly subtle mind. It had little of that South Indian subtlety, of which Rajaji's mind is regarded both by his admirers and his opponents as the ultimate product. That was shown sometime ago in a cartoon in Shankar's Weekly. After Rajaji ceased to be Chief Minister of Madras, he was appointed Home Minister in the Central Government. Before taking up the new assignment, he proceeded to Ootacamund for a few days. In the cartoon Rajaji stands at the crossroads, one sign post

pointing to Delhi and the other to Ootacamund, and he takes the route to the south. Asked why he was doing so, he replies : "This way also leads to Delhi." To Sankaran Nair, on the contrary, there was only one way to Delhi, the shortest and quickest way, the way of the Grand Trunk Express. (The air service had not yet been introduced).

If Sankaran Nair lacked the intellectual subtlety of Rajaji, the nuances of the mind and spirit of Mahatma Gandhi eluded him altogether. He thought that satyagraha or soul force, was too metaphysical a doctrine for ordinary mortals to follow. Non-violence he regarded as almost effeminate. Violence he could understand, but he disapproved of it as it was not likely to be effective in the prevailing circumstances in India. He objected to it not on moral grounds, as Gandhiji did, but purely for practical reasons. In his view, self-government could be achieved only through relentless constitutional pressure, backed by hard and unremitting work.

The vision of Mother India, with all its emotional overtones, had no appeal for Sankaran Nair. He never harped on a golden age in the past, as some of our early politicians were disposed to do. Nor did he see India as a mystic entity, as Jawaharlal Nehru did in his exalted, poetic moments. He was incapable of writing anything like that great invocation to the Ganga in Nehru's last will and testament. Sankaran Nair saw India as a land of millions of hapless human beings, ignorant, illiterate, half-clad, half-starving, superstitious and ridden by caste and other evils which had crept into India's social system. Social reform, in the broadest sense of the word, was India's crying need, but his experience soon convinced him that no social reform, worth the name, was possible without political independence. That was why he spent every ounce of his

energy in trying to compel Britain to transfer power to the Indian people.

Sankaran Nair faced the most formidable obstacles. But nothing ever daunted him. No threat, no blandishment had the slightest effect on him. Sometimes, he would come back home, after a fierce encounter with a British colleague or with the Viceroy himself. His children would know from his face that something had happened, but they did not dare to ask him. He would sit still like a smouldering volcano, meditating the next step. His will, like his constitution, was made of iron.

Freedom in the abstract had no fascination for him. He had no use for slogans and cliches. Indian schoolboys were beginning to shout 'self-government is better than good government'; he himself advocated self-government because he came to the conclusion that good government was not possible without self-government. By good government he meant a government which established, or contributed materially to the establishment of, a society free from poverty, disease and ignorance. Such a society, the British Government, with all its vaunted virtues, seemed incapable of establishing in India.

Sankaran Nair's conception of independence, however, was not purely utilitarian. India's self-respect demanded that she should be free. He himself was a man of intense self-respect. He would brook no insult, however veiled, from whatever quarter it came. Here are one or two examples of this trait :

Once, he was travelling in North Malabar with Lady Simon, the wife of Sir John Simon, the Chairman of the Royal Commission on Indian constitutional reforms. She saw a very beautiful and fair-complexioned girl on the road, walking with a very dark and ugly man, evidently her husband. She belonged to the caste of the Thiyas, a hand-

some people, formerly regarded as untouchables because they were mostly toddy tappers, who were not always averse to a matrimonial alliance or liaison with Englishmen. "There", exclaimed Lady Simon, "goes a peach of a girl. What could she have found in that black native to marry him?" Sankaran Nair said that it was easily explained. The girl had some English blood in her, and she was so ashamed of it that she must have picked up the darkest Indian she could come across so that her children, at any rate, might not suffer from that taint.

Sankaran Nair could be positively rude, if others were rude to him. Soon after he joined the Viceroy's Executive Council, he was invited to tea by Sir Michael O'Dwyer, Governor of the Punjab. At tea, the O'Dwyers' dog started scratching him and demanding his attention. Sankaran Nair showed that he did not like the dog's advances: perhaps his dislike of the dog was coloured by his dislike of its master who had a reputation of being one of the worst reactionaries in the ICS. Thereupon, Lady O'Dwyer asked Sankaran Nair how it was that Indians, who waxed so eloquent about kindness to animals and so on, did not like dogs half so much as Englishmen did. "The reason", said Sankaran Nair, "is quite simple: you are much nearer to them than we are. We have moved away from them in the course of our history of 5,000 years." Thus began a grim duel which was to reach its climax before Justice Mc Cardie in the sensational case, O'Dwyer Vs Nair.

Even the Viceroy often had a taste of Sankaran Nair's sharp tongue. After he resigned in disgust from the Viceroy's Executive Council, he had a final interview with Lord Chelmsford.

"Have you anyone to suggest as your successor?" asked Lord Chelmsford.

"Yes", said Sankaran Nair, pointing to his peon, "That man there, Ram Parshad."

"What !" exclaimed Lord Chelmsford.

"Why, he is tall", said Sankaran Nair, "he is handsome, he wears his livery well; and he will say yes to whatever you say. Altogether he will make an ideal Member of Council."

While Sankaran Nair did not hesitate to be rude to his opponents when the situation demanded it, he was normally the embodiment of grace and decorum. There was not the slightest trace of vulgarity or coarseness about him. In his personal as well as public life, he kept up the highest standards of conduct.

Towards the end of his life Sankaran Nair's mind turned more and more to religion. In the early years, in his ardour for social reform, he had regarded Hinduism as a stumbling block to progress. As time went on he began to appreciate the greatness of Hinduism. He also saw much in common between Hinduism and Christianity. He wrote an article on Mary and Martha in the Contemporary Review, London, observing that, on the whole, the West had followed Martha, or the gospel of action, and the East had chosen the better part, meditation. He also wrote a book on the Hindu view of Christianity. Once he said that one had to be a Hindu in order to appreciate Christ's parable of the Fig Tree. The Fig Tree represents Samsara or Prapancha and must be cut down in order to attain salvation. Avidya (Ignorance) must be replaced by Vidya (knowledge). There must have been some such words in the Bible, said Sankaran Nair, but they must have been omitted by the Catholic Church, which was opposed to gnosticism or the Way of Knowledge.

Sankaran Nair thought that the greatest products of humanity were Jesus Christ, Gautama Buddha and Sanka-

racharya. In sheer intellectual power, Sankaracharya probably eclipsed the other two; his intellectual powers proceeded even beyond God. He admired Bahaism, a form of Mohamedanism, which was founded by a woman. He had met her in Simla in 1918, and her execution by the Turkish Government had given an impetus to Bahaism. It was reminiscent of the doctrine of Kabir : one religion, one God. Sankaran Nair felt that what was universal in Hinduism, Mohamedanism and Christianity would survive. "Bahaism and Buddhism have the greatest chances of survival. Religious animosities are thus fading away. There is hope for the future of the world."

On the whole, the evening of Sankaran Nair's life was mellow, especially as compared with the strenuous and almost stormy years he spent in Delhi, Simla and London. It was, however, saddened by the death of his wife due to cold gas poisoning, when they went together in 1926 to Badrinath, a famous place of pilgrimage for the Hindus in the Himalayas. She was noted for the sweetness of her disposition and the readiness with which she took the entire burden of the household on her shoulders, thus leaving her husband free to follow his public activities without any domestic distractions.

In March, 1934, Sankaran Nair's son-in-law, M. A. Candeth passed away from suspected tuberculosis at Madanapalle. On hearing of his death Sankaran Nair proceeded by car from Madras to Madanapalle with his son, Palat. The car had an accident, causing a head injury to Sankaran Nair, from the effects of which he never recovered. Exactly one month after Candeth's death, on the 22nd April, 1934, Sankaran Nair passed away in his eldest daughter's house, 'Spring Gardens', full of old memories, for it was here that he had spent the heyday of his apprenticeship with Mr. (later Sir) Horatio Shepherd.

Perhaps, in the twilight between life and death, Sankaran Nair's mind went back to those happy days, 55 years ago, when he used to work at Shepherd's cases, winning his admiration and affection, and reading with him such books as Kitchin's History of France. Perhaps, he also remembered how defiantly he asserted his independence when, as a young lad in his twenties, he and he alone, refused to subscribe to a resolution of the powerful Lawyers' Association in Madras to the effect that no lawyer should engage a European barrister as his senior in any case, however much his client wished him to do so. This spirit of stubborn independence remained with him all his life vis-a-vis the Government as well as the public. Faced with an unfriendly Viceroy and six British colleagues, most of whom die-hards, Sankaran Nair, as the sole Indian Member of the Viceroy's Council, never budged an inch from the cause which he considered right and proper and spoke out his mind to them as no Indian had done before. Equally firmly he stood up to a more invincible force, Mahatma Gandhi. Sankaran Nair could not understand, still less appreciate, Gandhiji's unorthodox methods and had no hesitation in declaring from the house-tops, against the current of public opinion, that he distrusted those methods.

Sankaran Nair's attitude towards Gandhiji showed at once the strength of his character and the limitations of his mind. Gandhiji was a new phenomenon in Indian and international politics. Sankaran Nair was wedded to the method of constitutional agitation for attaining his ends, and he showed how successful this method could be in the hands of a man of utter integrity and unflinching determination. He was brought up in the Victorian era and was a fervent admirer of Gladstone and called him

his *guru*. Not for the pupil of Gladstone to be a disciple of Gandhi.

Sankaran Nair himself was, in many ways, an eminent Victorian. If Lytton Strachey had known him he would have poked kindly fun at him, as he did at other eminent Victorians, such as Florence Nightingale, Dr. Arnold, General Gordon and Cardinal Manning. They have survived Strachey's raillery. So will Sankaran Nair's reputation survive the criticisms levelled against him, because, with all his limitations, he, like them, followed the exhortation of another eminent Victorian, Tennyson,

".....to live by the law,

Acting the law we live by without fear,

And because right is right to follow right

Were wisdom in the scorn of consequence."

The law which Sankaran Nair always lived by in every phase of his eventful life was the law of Indian freedom, as he and his great contemporaries saw it. To none is the tribute in Surendranath Banerjee's book, "A Nation in the Making", more applicable : Sankaran Nair was truly one of "the founders and early builders of the Indian National Congress whose achievements the present generation is apt to forget, but who placed India firmly on the road to constitutional freedom."

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